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**FINAL STATUS  
OF  
NATURAL RESOURCE  
LEGISLATION  
IN THE  
57TH MONTANA  
LEGISLATURE**



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# Foreword

The actions and discussions of the 2001 Legislature focused in general on persistent legislative topics such as tax reform, state budgeting, and education funding. In the more specific category of natural resource policy, energy issues and the Montana Environmental Policy Act generated the most legislative and public debate. In the last weeks of the session, free conference committees crafted the final versions of a number of controversial bills on these topics: Senate Bill No. 19, Senate Bill No. 398, Senate Bill No. 506, House Bill No. 474, and House Bill No. 600, all energy bills; and House Bill Nos. 459 and 473, revising MEPA.

The Legislature introduced over 1,200 bills -- a number fairly consistent with previous sessions. Just over half were passed and signed by the Governor. A high number of freshman legislators and almost 30 legislators serving their final session because of term limits made the 2001 legislative session unique.

Some of the 57th Legislature's successful natural resource bills are summarized and listed by category below. The bills are described more fully within the publication.

## Agriculture

*HB 246* clarifies that a property owner is not responsible for damages caused by livestock unless the owner was grossly negligent or engaged in intentional misconduct.

*HB 418* requires, among other things, that the owners or possessors of 55% of the land petitioning to join a herd district sign the petition.

*SB 91* allows the financing of water-related projects on hog farms that improve water quality to be financed through the Renewable Resource Grant and Loan Program.

*SB 197* requires a permit, with exceptions, for collecting wild plant resources.

*SB 261* authorizes industrial hemp production as an agricultural crop.

*SB 326* revises a number of laws governing weeds.

## **Energy**

*HB 474* provides incentives through low-interest loans for new electrical generating facilities and the purchase of energy from existing qualifying facilities. Creates the Montana Power Authority to purchase, construct, and operate generating and transmission facilities in Montana. Requires the default supplier to meet the electricity needs of its customers. Maintains that the default supplier recovers all statutorily defined electricity supply costs subject to a prudence test by the Public Service Commission.

*SB 19* extends the dates requiring residential and small commercial customer participation in the selection of an electricity supplier.

*SB 319* eliminates new generating facilities from review under the Montana Major Facility Siting Act.

*SB 398* allows temporary power generation units to operate, with certain conditions, without an air quality permit.

*SB 506* uses tax and bond incentives to encourage alternative energy and electrical generation.

## **Fisheries, Wildlife and Recreation**

*HB 292* creates the Fishing Access Enhancement Program to provide incentives to landowners who provide access to or across state land for public fishing.

*HB 455* extends to 30 years the period for an instream flow lease.

*HB 492* clarifies the authority of the Department of Fish, Wildlife and Parks to manage the prairie dog as a species in need of management.

*SB 437* provides for the issuance of supplemental game damage licenses.

## **Land Use Management**

*SB 167* revises the sanitation in subdivision laws.

*SB 479* authorizes local governments to adopt subdivision regulations that promote cluster development and requires the Department of Commerce to provide technical assistance with the development of cluster regulations.

## MEPA

*HB 473* states that actions taken under MEPA may not be conditioned beyond statutory requirements.

*SB 377* provides time limits for conducting environmental reviews and restricts the cumulative impacts a state agency may analyze for a permit.

## Mineral Development

*HB 69* revises the definitions, applicable fees, mine performance bonding and appeal procedures of the metal mine reclamation laws.

*HB 573* allows the Board of Oil and Gas to permit certain coal bed methane gas wells.

## Water

*HB 626* ratifies the State of Montana and Fort Belknap water compact.

*SB 147* revises public sewer and wastewater supply system laws.

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The Environmental Quality Council (EQC) prepares the *Final Status of Natural Resource Legislation* to provide a brief summary of natural resource legislation for legislators, lobbyists and the public. The bills in the status are organized by subject, number, and status (passed or failed), with House bills listed before Senate bills. Each bill entry includes the bill number, short title, committee hearings, and relevant votes. Several bills are included under more than one subject heading.

For further information on these bills or others, consult the Legislative Council's publication *Final History and Status*, which contains all legislative action taken on all bills.

The Montana Environmental Policy Act, enacted in 1971, charges the EQC with researching and reviewing state regulations and policies affecting Montana's environment and recommending measures to promote the general welfare of present and future generations of Montana. For more information on EQC publications and activities, contact the Environmental Quality Council, Legislative Environmental Policy Office, P.O. Box 201704, Helena, MT 59620, (406) 444-3742, <http://leg.state.mt.us/services/lepo>.





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# Agriculture and Livestock

See also Weed and Pest Control

Passed

⚡HB 113 Ron Devlin

## *Revise Grazing District Laws*

An act revising the grazing district laws to remove the Department of Natural Resources and Conservation from state district laws except for administrative attachment purposes; changing the requirement for written notice to the commission members, with regard to meetings, from 14 days to 7 days; conforming uses to defined terms; and providing an immediate effective date.

Amending sections 76-16-102, 76-16-103, 76-16-104, 76-16-106, 76-16-107, 76-16-108, 76-16-109, 76-16-111, 76-16-112, 76-16-113, 76-16-201, 76-16-202, 76-16-203, 76-16-206, 76-16-208, 76-16-209, 76-16-211, 76-16-212, 76-16-213, 76-16-301, 76-16-302, 76-16-303, 76-16-307, 76-16-309, 76-16-310, 76-16-316, 76-16-317, 76-16-318, 76-16-320, 76-16-323, 76-16-325, 76-16-401, 76-16-402, 76-16-403, 76-16-404, 76-16-406, 76-16-407, 76-16-408, 76-16-409, 76-16-410, 76-16-411, 76-16-412, 76-16-413, and 76-16-414, MCA; and repealing section 76-16-105, MCA.

Committee Hearings:	House Agriculture Senate Agriculture, Livestock and Irrigation
Second Reading Votes:	House 100-0; Senate 48-0
Third Reading Votes:	House 98-0; Senate 48-0

⚡HB 141 Roger Somerville

## *Revise Mint Laws*

An act revising laws related to the sale of mint oil; eliminating references to assessments on the pledge or mortgage of mint oil; limiting the assessment on mint oil to sales of 1,000 pounds or more in a calendar year; reducing the mint oil purchaser license fee from \$50 to \$20 and increasing the term of license from 1 year to 10 years; providing that a mint oil purchaser license is not required for a person who purchases less than 1,000 pounds of mint oil in a calendar year;

revising definitions; and providing an immediate effective date.

Amending sections 80-11-402, 80-11-412, 80-11-413, 80-11-414, and 80-11-417, MCA.

Committee Hearings:	House Business and Labor Senate Agriculture, Livestock and Irrigation
Second Reading Votes:	House 100-0; Senate 49-0
Third Reading Votes:	House 98-0; Senate 43-0

◆ HB 186 Linda Holden

*Fund Predator Control*

An act appropriating \$50,000 from the general license fund of the Department of Fish, Wildlife, and Parks for the USDA-APHIS Wildlife Services Program to assist with predator control in Montana; and providing an effective date.

Committee Hearings:	House Appropriations Senate Finance and Claims
Second Reading Votes:	House 67-32; Senate 49-0
Third Reading Votes:	House 75-25; Senate 47-1

Senate amended, House concurred, 62-38.

◆ HB 246 Keith Bales

*Clarify Liability for Damages to Property Caused by Livestock on Highways*

An act clarifying that a person owning, controlling, or in possession of livestock or a person who owns property does not have a duty to prevent livestock from wandering on highways; providing that a person owning, controlling, or in possession of livestock or a person owning property is not subject to liability for damages or injury caused by an accident involving a motor vehicle and livestock unless the owner of the livestock or property was grossly negligent or engaged in intentional misconduct; and providing an immediate effective date and an applicability date.

Committee Hearings: House Agriculture  
Senate Agriculture, Livestock and  
Irrigation

Second Reading Votes: House 92-8; Senate 44-6

Third Reading Votes: House 93-6; Senate 43-6

💎 HB 362 Joe McKenney

*Tax Exemption for Machinery and Equipment Used in Producing Ethanol*

An act exempting from taxation all manufacturing machinery, fixtures, equipment, and tools used for the production of ethanol from grain during the course of the construction of an ethanol manufacturing facility and for 10 years after initial production of ethanol from the facility; and providing an applicability date.

Amending sections 15-6-138 and 15-6-201, MCA.

Committee Hearings: House Taxation  
Senate Taxation

Second Reading Votes: House 95-5; Senate 44-3

Third Reading Votes: House 94-3; Senate 45-4

Senate amended, House concurred, 94-5.

💎 HB 368 Don Hedges

*Use Research and Commercialization Trust for Agricultural Production Grants*

An act clarifying that the research and commercialization expendable trust may be used for grants for production agriculture research and commercialization projects; and providing an immediate effective date.

Amending sections 90-3-1002 and 90-3-1003, MCA.

Committee Hearings: House Agriculture  
Senate Agriculture, Livestock and  
Irrigation

Second Reading Votes:	House 95-4; Senate 47-2
Third Reading Votes:	House 99-1; Senate 38-5

Senate amended, House concurred, 98-2.

⚡HB 387 Don Hedges

*Protection for Crop Research Facilities*

An act creating the Crop Research Facilities Protection Act; and providing an immediate effective date.

Committee Hearings:	House Agriculture Senate Agriculture, Livestock and Irrigation
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Second Reading Votes:	House 92-8; Senate 49-0
Third Reading Votes:	House 94-6; Senate 42-1

Senate amended, House concurred, 95-4.

⚡HB 418 Cindy Younkin

*Revise Herd District Law*

An act describing the duty to build and maintain fences with regard to a herd district and a horse herd district; requiring that when owners or possessors of land that is contiguous to a herd district petition to have their property annexed to that district, the owners or possessors of at least 55 percent of the land sign the petition; and providing an immediate effective date and an applicability date

Amending section 81-4-310, MCA.

Committee Hearings:	House Agriculture Senate Agriculture, Livestock and Irrigation
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Second Reading Votes:	House 90-9; Senate 43-0
Third Reading Votes:	House 89-11; Senate 47-1

Senate amended, House concurred, 96-4.

🔗HB 578 Tim Callahan

*Extend Tax Credit for Production of Alcohol*

An act extending the tax incentive of 30 cents a gallon for production of alcohol; and revising the time period for submitting a written plan to the Department of Transportation.

Amending section 15-70-522, MCA.

Committee Hearings:	House Taxation Senate Highways and Transportation
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Second Reading Votes:	House 91-9; Senate 46-2
Third Reading Votes:	House 93-7; Senate 46-3

Senate amended, House concurred, 96-4.

🔗SB 81 Don Hargrove

*Transfer Agricultural Heritage Program to the Department of Natural Resources and Conservation*

An act transferring the allocation of the Montana Agricultural Heritage Commission for administrative purposes from the Department of Agriculture to the Department of Natural Resources and Conservation; and providing an effective date.

Amending section 2-15-3313, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture
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Second Reading Votes:	Senate 50-0; House 99-0
Third Reading Votes:	Senate 50-0; House 100-0

☛ SB 91 Bill Tash

*Finance Livestock Containment Facilities through Renewable Resource Program*

An act allowing the financing of water-related projects that improve water quality, including livestock containment facilities, from the Renewable Resource Grant and Loan Program; and providing an effective date.

Amending section 85-1-602, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Natural Resources
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Second Reading Votes:	Senate 46-0; House 99-0
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Third Reading Votes:	Senate 44-0; House 99-0
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☛ SB 165 Mack Cole

*Clarify Growth Through Agriculture Laws*

An act generally revising the laws governing the Montana Growth Through Agriculture Act; clarifying the compensation for Council members; clarifying conflict of interest provisions for Council members; clarifying the use of investments for marketing and business development; providing priority for investments in projects using innovative agricultural technology; providing for partnerships with conventional lending sources; and providing an immediate effective date.

Amending sections 90-9-103, 90-9-201, 90-9-202, 90-9-203, 90-9-301, 90-9-303, 90-9-306, 90-9-311, 90-9-312, 90-9-313, and 90-9-316, MCA; and repealing section 90-9-318, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture
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Second Reading Votes:	Senate 49-0; House 99-1
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Third Reading Votes:	Senate 48-0; House 97-3
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House amended, Senate concurred, 50-0.



🍷SB 197 Jon Tester

*Protection for Wild Plant Resources - Wildcraft Permission*

An act requiring a person who wildcrafts to obtain written permission or a permit prior to wildcrafting; providing exemptions to the requirement of written permission or a permit; describing the requirements for a buyer of wildcrafted plant material; providing a restriction on the liability of a landowner that allows wildcrafting on the landowner's property; establishing violations; providing penalties; and providing an immediate effective date.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture
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Second Reading Votes:	Senate 46-4; House 86-13
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Third Reading Votes:	Senate 45-5; House 81-19
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House amended, Senate concurred, 46-2.

🍷SB 245 Ric Holden

*Montana Farm and Ranch Risk Management Account*

An act creating the Montana Farm and Ranch Risk Management Act; providing for the creation of farm and ranch risk management accounts by eligible individuals or family farm corporations in an eligible agricultural business; allowing deposits not to exceed, during a tax year, \$20,000 or 20% of the depositor's income from agricultural business; providing an exclusion from taxable income for the amount deposited into the account; providing that a deposit may not remain in an account more than 5 years; providing that distributions from the account are taxable; providing for penalties for deposits that are not distributed within 5 years; and providing an applicability date and a contingent termination provision

Amending section 15-30-111, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture
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Second Reading Votes:  
Third Reading Votes:

Senate 37-12; House 71-29  
Senate 39-10; House 77-23

House amended, Senate concurred, 39-10.

♠ SB 259 Jon Tester

*Revise Highway Fencing Requirements under Certain Circumstances - County Park*

An act allowing a secondary road that passes through open range in a county park to remain unfenced provided that certain criteria are met to mitigate safety hazards presented by livestock.

Amending sections 60-7-102, 60-7-103, and 60-7-202, MCA.

Committee Hearings:

Senate Agriculture, Livestock and  
Irrigation  
House Agriculture

Second Reading Votes:  
Third Reading Votes:

Senate 49-0; House 100-0  
Senate 47-0; House 100-0

♠ SB 261 Chris Christiaens

*Legalize Growing Industrial Hemp*

An act authorizing the production of industrial hemp as an agricultural crop; requiring that a license be obtained prior to growing industrial hemp; requiring that the Department of Agriculture be notified when growing or selling industrial hemp; providing rulemaking authority to the Department of Agriculture; providing for the disposition of fees; providing an affirmative defense for the possession or cultivation of marijuana; providing an exemption to criminal possession of dangerous drugs and criminal production or manufacture of dangerous drugs for industrial hemp production as an agricultural crop; and requiring the Department of Agriculture to request a change or waiver in federal law

Amending section 45-9-108, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture
Second Reading Votes:	Senate 45-5; House 82-17
Third Reading Votes:	Senate 45-5; House 79-21

⚡SB 303 Don Hargrove

*Mill levy exemption for property taxes imposed for open space bond*

An act revising the manner of determining property taxes imposed on agricultural property and forest land for the payment of the principal and interest on bonds issued by a public body for the preservation of open space; and providing an immediate effective date and an applicability date.

Amending section 76-6-109, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 50-0; House 88-11
Third Reading Votes:	Senate 50-0; House 91-9
House amended, Senate concurred, 48-1.	

⚡SJ 16 Ric Jolden

*Support Efforts for Low Cost Energy for Irrigation*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the federal government to support the efforts of the Lower Yellowstone Conservation District Development Committee to obtain the promised benefits of the Pick-Sloan Missouri River Plan and retain low-cost energy for new and existing irrigation and to assist the conservation district in drafting and passing federal legislation outlining benefits needed to sustain existing irrigation and develop new irrigation in Montana's Yellowstone and Missouri River Basins.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Federal Relations, Energy, and Telecommunications
Second Reading Votes:	Senate 50-0; House 93-7
Third Reading Votes:	Senate 49-1; House 96-3

♣SJ 21 Lorents Grosfield

*Interim Study of Taxation of Nonagricultural Land*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting the Legislative Council to designate an appropriate interim committee or direct sufficient staff resources to study the property taxation of agricultural land and nonagricultural land in Montana; and requiring a report to the 58th Legislature.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 50-0; House 73-27
Third Reading Votes:	Senate 48-0; House 70-30

Failed

♥HB 170 David Wanzenried

*Eliminate Constitutional Status of the Department of Agriculture*

An act submitting to the qualified electors of montana an amendment to article xii, section 1, of the montana constitution to eliminate the constitutional status of the Department of Agriculture.

Committee Hearing:	House Judiciary
Tabled in House committee.	

☞HB 211 Butch Waddill

*Moratorium on Genetically Modified Wheat*

An act imposing a moratorium on the production of genetically modified wheat; and providing a termination date.

Committee Hearing: House Agriculture

Tabled in House committee.

☞HB 280 Don Hedges

*Reduced-Cost Easements for Infrastructure Improvements on State Land*

An act providing for the granting of reduced-cost easements for infrastructure improvements on state lands.

Amending section 77-2-106, MCA.

Committee Hearing: House Agriculture

Tabled in House committee.

☞HB 291 Monica Lindeen

*Agriculture Experiment Stations Appropriations for Facility Improvements*

An act appropriating money from the general fund to the Montana University System, Montana Agricultural Experiment Station, for the agricultural research centers; providing a priority ranking for funding purposes; and providing for the reversion of excess funds.

Committee Hearing: House Appropriations

Tabled in House committee.

☛ HB 305 Gail Gutsche

*Alternative Livestock Ranch Bonding Requirement for License Renewal*

An act requiring a bond for a licensee who applies for renewal of an alternative livestock ranch license; establishing the amount of the bond and providing for license suspension upon failure to maintain the bond; and providing a delayed effective date.

Amending Sections 87-4-411, 87-4-412, and 87-4-427, MCA.

Committee Hearing: House Fish, Wildlife and Parks

Tabled in House committee.

☛ HB 335 Gail Gutsche

*Public Notice for Proposed Animal Feeding Operations*

An act requiring the Department of Environmental Quality to notify the public of any proposed concentrated animal feeding operation; and providing an immediate effective date.

Committee Hearing: House Agriculture

Tabled in House committee.

☛ HB 415 Roger Somerville

*Revise Ethanol Incentive Program Funding*

An act changing the funding source for the alcohol tax incentive from the gasoline license tax to the state general fund; and providing a statutory appropriation.

Amending sections 15-70-502, 15-70-522, and 17-7-502, MCA.

Committee Hearing: House Taxation

Tabled in House committee.

☛ HB 501 Dave Gallik

*Study on Feasibility of Establishing Agri-Business Center in Montana*

An act requiring the Department of Agriculture to conduct a study on the feasibility of establishing an agri-business center in Montana; providing for an Agri-business Center Study Council; providing reporting requirements; providing an appropriation; and providing a termination date.

Committee Hearing: House Appropriations

Tabled in House committee.

☛ HB 556 John Esp

*Livestock Damage Indemnification and Compensation Program - Predation*

An act creating a livestock damage indemnification and compensation program to provide money to cover the cost of claims made by livestock owners for losses incurred because of grizzly bear or wolf predation; providing that Conservation Districts establish procedures for investigating damage claims and deciding whether compensation is warranted; creating an account to be used by the Department of Livestock to provide compensation to indemnify affected livestock owners, based on the recommendation of the Conservation District Board of Supervisors; statutorily appropriating an amount from the livestock per capita tax levy to fund the livestock loss indemnification and compensation program for grizzly bear and wolf predation; providing that state funds provided to a livestock owner for livestock losses be offset by any compensation received by the livestock owner from public or private organizations; and providing an effective date.

Amending sections 15-24-921 and 17-7-502, MCA.

Committee Hearing: House Agriculture

Tabled in House committee.



☛ HJ 6 Butch Waddill

*Study Impacts of Genetically Modified Wheat*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that staff or an appropriate interim committee conduct a study on the impacts of genetically modified wheat on Montana's economy, any liability that may be associated with the production of genetically modified wheat, the economic, legal, and agronomic effects of technology agreements, and the use of production and handling segregation equipment and requiring staff or the appropriate committee to report on findings and recommendations.

Committee Hearing:	House Agriculture Senate Agriculture, Livestock and Irrigation
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Second Reading Vote:	House 52-48
Third Reading Vote:	House 51-47

Died in Senate committee.

☛ SB 9 Chris Christiaens

*Allow Agricultural Production of St. Johnswort*

An act allowing for the production of St. Johnswort as an agricultural crop; requiring registration, a registration fee, and a bond; providing for the Department of Agriculture's action on an application; and providing rulemaking authority.

Amending sections 7-22-2101, 7-22-2115, 7-22-2116, 80-5-124, and 80-7-702, MCA.

Committee Hearing:	Senate Agriculture, Livestock and Irrigation
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Tabled in Senate committee.



☞ SB 15 Al Bishop

*Revise Law Governing Trespass on Land Adjoining Public Land*

An act revising the law relating to criminal trespass to property; revising the definition of "enter or remain unlawfully"; providing that unless private lands that abut public lands are clearly marked as private, entry onto the private lands is not criminal trespass; and providing that unless private lands that abut a public road are fenced or otherwise enclosed, entry onto the private lands is not criminal trespass.

Amending sections 45-6-201 and 77-1-806, MCA.

Committee Hearing:	Senate Agriculture, Livestock and Irrigation
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Tabled in Senate committee.

☞ SB 95 Al Bishop

*Revise Criminal Trespass Laws - Repeal Permission to Hunt Requirement*

An act repealing the requirement that a person obtain a landowner's permission before hunting on private property; and providing an effective date.

Repealing section 87-3-304, MCA.

Committee Hearing:	Senate Agriculture, Livestock and Irrigation
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Tabled in Senate committee.

☞ SB 196 Jon Tester

*Require Country of Origin Placarding on Meat and Produce*

An act adopting the Country of Origin Placarding Act; requiring a country of origin placard on specific commodities offered for sale in Montana by an entity other than a food service establishment; authorizing the Department of Commerce to develop rules to implement the Country of Origin Placarding Act; and providing

a delayed effective date.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture
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Second Reading Votes:	Senate 50-0; House 63-37
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Third Reading Votes:	Senate 49-1; House 60-40
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House amended, Senate did not concur, 49-0.

Free conference committee report rejected, Senate 48-0.

❖ SB 363 Jon Tester

*Pilot Program Testing Imported Raw Agricultural Products for Drugs and Chemical Residues*

An act providing for a pilot program to test raw agricultural products imported from a foreign country for pesticide residues and to determine if it is in the state's best interest to petition the administrator of the Environmental Protection Agency to establish a regulatory limit that is not identical to the qualifying federal determination applicable to the pesticide residue; authorizing the Department of Public Health and Human Services to adopt rules; establishing a state special revenue account; providing for sampling procedures; establishing violation procedures; describing the contents and requirements of a report; requiring the Department of Livestock to determine if live imported animals, intended for human consumption, have been treated with drugs that are disallowed in the United States; providing that a waiver may not be granted for animal imports from a country that has experienced an outbreak of an infectious or contagious disease in the last 5 years; providing an effective date and a termination date.

Amending section 81-2-703, MCA.

Committee Hearing:	Senate Agriculture, Livestock and Irrigation
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Tabled in Senate committee.

☛ SB 364 John Cobb

*Conservation District Exemption Under Streambed and Land Preservation Laws*

An act allowing Conservation Districts to make exemptions by rule to project review under the streambed and land preservation laws.

Amending section 75-7-111, MCA.

Committee Hearing:

Senate Natural Resources

Tabled in Senate committee.

☛ SB 516 Lorents Grosfield

*Revise Taxation of Certain Rural Lands*

An act revising the taxation of rural land; defining and providing for the taxation of rural nonagricultural land and rural residential land at one-quarter the rate for class four property; changing the standards for property to qualify as agricultural for property tax purposes; requiring simple annual certification to retain an agricultural property tax classification; and providing a delayed effective date and an applicability date.

Amending sections 15-1-101, 15-6-133, 15-6-134, 15-6-201, 15-7-202, and 15-7-206, MCA.

Committee Hearing:

Senate Taxation

Tabled in Senate committee.

☛ SJ 7 Jon Tester

*Study Impacts of Genetically Modified Organisms on Farm Economy*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that an appropriate interim committee conduct a market study to determine the potential advantages and disadvantages of producing genetically modified crops in Montana.

Committee Hearing:

Senate Agriculture, Livestock and  
Irrigation

Tabled in Senate committee.

# Air Quality

Passed

HB 118 Gilda Clancy

## *Revise Clean Air Act*

An act revising the Clean Air Act of Montana; allowing the small business stationary source representative to be located within a nonregulatory program of the Department of Environmental Quality; removing a requirement that the department act on operating permit applications by November 15, 1997; and providing an immediate effective date.

Amending sections 75-2-109 and 75-2-218, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 96-4; Senate 50-0
Third Reading Votes:	House 99-1; Senate 49-0

Senate amended, House did not concur, 80-20.  
Conference committee report adopted: Senate 50-0, House 97-3.

HB 605 Doug Mood

## *Revise Laws Governing Local and State Air Quality Regulation*

An act revising laws governing local and state air quality regulation; prohibiting the Board of Environmental Review or a local air pollution control program from approving or adopting rules, ordinances, or local laws that are more stringent than those imposed by the state or the federal government unless certain requirements are met; providing for review of rules, ordinances, or local laws adopted in the last 5 years that may be more stringent than federal or state requirements; requiring local air pollution control programs to establish procedures for public notice, public comment, public hearing, and appeal; conforming existing law prohibiting the state from adopting regulations more stringent than federal law to the revised provisions affecting local programs; and providing an immediate effective date and an applicability date.

Amending sections 75-2-207 and 75-2-301, MCA.

Committee Hearings:	House Federal Relations, Energy, and Telecommunications Senate Natural Resources
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Second Reading Votes:	House 53-47; Senate 25-22
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Third Reading Votes:	House 52-48; Senate 28-22
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Senate amended, House did not concur, 83-17.

Free conference committee report adopted: Senate 46-3, House 61-39.

♣ HJ 21 Rick Laible

*Request Study on Issues of Balancing Forest Fuels Management and Air Quality*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting a collaborative process study to address issues regarding the need to balance the necessary management of forest fuels with the air quality concerns resulting from prescribed wildland open burning and to provide solutions to the 58<sup>th</sup> Legislature.

Committee Hearings:	House Agriculture Senate Natural Resources
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Second Reading Votes:	House 95-5; Senate 49-0
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Third Reading Votes:	House 88-12; Senate 48-0
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♣ HJ 29 Eileen Carney

*Ambient Air Quality Standards for Asbestos*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that the Department of Environmental Quality establish a task force to develop an assay method for the measurement of asbestos to assist in the establishment of an ambient air standard based on human health risks from chronic exposure to asbestos.

Committee Hearings:	House Judiciary Senate Natural Resources
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Second Reading Votes:  
Third Reading Votes:

House 98-1; Senate 37-1  
House 94-6; Senate 47-1

🔗SB 398 Ken Miller

*Temporary Power Generation Facilities - Air Quality Permit*

An act providing for operation of temporary power generation units under the air quality permitting laws; and providing an immediate effective date.

Amending section 75-2-211, MCA.

Committee Hearings:

Senate Energy and  
Telecommunications  
House Federal Relations, Energy and  
Telecommunications  
House Taxation

Second Reading Votes:  
Third Reading Votes:

Senate 50-0; House 83-16  
Senate 50-0; House 80-19

House amended, Senate did not concur, 48-0.

Free conference committee report adopted: Senate 38-12, House 76-24.

Failed

🔗SB 126 John Bohlinger

*Require Adoption of Sulfur Dioxide Emission Control Plans*

An act requiring the Board of Environmental Review to develop sulfur dioxide emission control plans; reducing the number of allowable concentrations in excess of the ambient sulfur dioxide standard; and providing an immediate effective date.

Committee Hearing:

Senate Natural Resources

Tabled in Senate committee.

¶ SB 343 Dale Berry

*Allow General Power Local Government Clean Indoor Air Act Authority*

An act authorizing each incorporated city or town to adopt requirements that are at least equivalent to the requirements of the Montana Clean Indoor Air Act; and providing an immediate effective date.

Committee Hearing:

Senate Local Government

Hearing cancelled.

Missed deadline for general bill transmittal.



# Energy

## - Major Facility Siting Act -

Passed

↳ SB 319 Mack Cole

*Revise the Major Facility Siting Act - Eliminate Generation Facilities*

An act generally revising the Montana Major Facility Siting Act; clarifying the policy of the Montana Major Facility Siting Act; eliminating generation facilities, underground in situ gasification of coal, and other energy-related projects from the definition of "facilities"; modifying the definition of "facilities" as it relates to pipelines; reducing the time required for the department's notification that an application is or is not in compliance and complete; expediting departmental decisions and actions contained in other laws; reducing the time required for the issuance of a departmental report, the issuance of a certificate under expedited review, and the issuance of a final decision and certification; generally revising the department's and board's roles and authorities; eliminating the provisions for certificate renewals related to generation facilities; and providing an immediate effective date and an applicability date.

Amending sections 75-20-102, 75-20-104, 75-20-201, 75-20-207, 75-20-208, 75-20-211, 75-20-216, 75-20-219, 75-20-223, 75-20-231, 75-20-301, 75-20-303, 75-20-304, and 75-20-406, MCA; repealing sections 75-20-225 and 75-20-226, MCA.

Committee Hearings:

Senate Energy and  
Telecommunications  
House Federal Relations, Energy, and  
Telecommunications

Second Reading Votes:

Senate 31-19; House 69-31

Third Reading Votes:

Senate 33-17; House 67-33

House amended, Senate concurred, 35-14.

Failed

☛ HB 591 Dennis Himmelberger

*Revise the Major Facility Siting Act*

An act generally revising the Montana Major Facility Siting Act; clarifying the policy of the Montana Major Facility Siting Act; modifying the definition of "certificate"; modifying the information requirements for applications; eliminating the requirement that a copy of an application be sent to other local, state, and federal governmental entities; modifying public notice requirements; requiring that the determination of any additional filing fee be reviewed by the appropriate legislative committee; revising the filing fee scale; reducing certain time requirements of the siting laws; qualifying the use of Montana Environmental Policy Act documents; reducing the fees required for certificate renewals; revising the department's decision process for renewing a certificate; including economic importance and benefits in determining the significance of a facility's impact; revising the department's approval criteria for certain facilities; clarifying requirements for commencement of construction; and providing an immediate effective date.

Amending sections 7-1-111, 69-3-1205, 75-20-102, 75-20-104, 75-20-201, 75-20-211, 75-20-213, 75-20-215, 75-20-216, 75-20-225, 75-20-226, 75-20-231, 75-20-232, 75-20-301, 75-20-303, 85-2-124, 85-2-607, 85-15-107, and 90-6-207, MCA.

Committee Hearing:

House Taxation

Missed deadline for revenue bill transmittal.

☛ SB 371 Ken Toole

*Revise Definition of "Facility" Under Major Facility Siting Act*

An act modifying the definition of "facility" under the Montana Major Facility Siting Act to include facilities that emit certain levels of sulfur dioxide and nitrogen oxide; and providing an immediate effective date.

Amending section 75-20-104, MCA.

Committee Hearing:

Senate Energy and  
Telecommunications

Tabled in Senate committee.

## **- Renewable Energy and Conservation -**

Passed

☛ HB 12 Dick Haines

### *Revise Building Energy Conservation Laws - General Obligation Bonds*

An act authorizing the issuance of general obligation bonds to fund the state building energy conservation program; approving energy conservation projects for fiscal years 2002 and 2003; appropriating bond proceeds to the Department of Environmental Quality; pledging the credit of the State of Montana to secure the bonds to be issued; reappropriating stripper-well payments contained in the federal special revenue fund; revising the procedure for identifying buildings that have a potential for energy savings; and providing an effective date.

Amending sections 90-4-605 and 90-4-606, MCA.

Committee Hearings:

House Appropriations  
Senate Finance and Claims

Second Reading Votes:

House 95-5; Senate 47-0

Third Reading Votes:

House 96-3; Senate 48-1

☛ HB 362 Joe McKenney

### *Tax Exemption for Machinery and Equipment Used in Producing Ethanol*

An act exempting from taxation all manufacturing machinery, fixtures, equipment, and tools used for the production of ethanol from grain during the course of the construction of an ethanol manufacturing facility and for 10 years after initial production of ethanol from the facility; and providing an applicability date.

Amending sections 15-6-138 and 15-6-201, MCA.

Committee Hearings:

House Taxation  
Senate Taxation

Second Reading Votes:

House 95-5; Senate 44-3

Third Reading Votes:

House 94-3; Senate 45-4

Senate amended, House concurred, 94-5.

♣HB 578 Tim Callahan

*Extend Tax Incentive for Production of Alcohol*

An act extending the tax incentive of 30 cents a gallon for production of alcohol; and revising the time period for submitting a written plan to the Department of Transportation.

Amending section 15-70-522, MCA.

Committee Hearings:

House Taxation  
Senate Highways and Transportation

Second Reading Votes:

House 91-9; Senate 46-2

Third Reading Votes:

House 93-7; Senate 46-3

Senate amended, House concurred, 96-4.

♣HB 643 Carol Juneau

*Tax Exemption for Wind-Generated Electricity on Reservation - Funding*

An act revising laws related to electric energy; clarifying the definition of "project" under the economic development bond laws to allow electric generation facilities and transmission lines to be financed under the laws; modifying the credit limitation and carryover provisions for wind-generated electricity on Montana reservation lands; exempting electricity generated on Montana reservation lands from the wholesale energy tax for out-of-state distribution; and providing effective dates.

Amending sections 15-32-403, 15-32-404, 15-72-104, and 90-5-101, MCA.

Committee Hearings:

House Business and Labor  
Senate Energy and  
Telecommunications

Second Reading Votes:

House 75-22; Senate 43-7

Third Reading Votes:

House 73-27; Senate 47-0

Senate amended, House concurred, 76-24.

🔗HB 644 Jeff Pattison

*Reduce State Fuel Tax on Ethanol and Biodiesel - Replacement for Tax Revenue*

An act encouraging economic development by creating an energy market demand in Montana for agricultural-based biofuels; taxing gasohol and biodiesel at a percentage of the rate for gasoline or special fuels; defining "gasohol" and "biodiesel"; providing that biofuel pumps be labeled with a statement of the tax advantage of the fuel; and providing a contingent effective date and a contingent termination date.

Amending sections 15-70-201, 15-70-202, 15-70-204, 15-70-301, 15-70-304, 15-70-321, 15-70-326, and 15-70-341, MCA.

Committee Hearings:

House Taxation  
Senate Taxation

Second Reading Votes:

House 64-35; Senate 43-0

Third Reading Votes:

House 72-28; Senate 46-1

Senate amended, House did not concur, 83-15.

Conference committee report adopted: Senate 49-1, House 69-31.

🔗SB 240 Walter McNutt

*Remove Termination for Alternative Oil Recovery Rates*

An act eliminating project development deadlines that are required to qualify for reduced oil production tax rates for certain oil well enhanced recovery projects; revising definitions; and providing an immediate effective date.

Amending section 15-36-303, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 47-1; House 85-14

Third Reading Votes:

Senate 47-1; House 87-13

Failed

☛ HB 415 Roger Somerville

*Revise Ethanol Incentive Program Funding*

An act changing the funding source for the alcohol tax incentive from the gasoline license tax to the state general fund; and providing a statutory appropriation.

Amending sections 15-70-502, 15-70-522, and 17-7-502, MCA.

Committee Hearing:

House Taxation

Tabled in House committee.

☛ HB 622 Holly Raser

*Alternative Fuel Technology Development Tax Incentives*

An act revising the energy-related and ecological tax incentives; providing for the creation of a special improvement district for the purchase, installation, maintenance, and management of alternative energy production facilities; expanding geothermal systems tax credit to include alternative energy systems and increasing the credit from \$250 to \$500 for alternative energy systems; expanding wind-generated electricity investment credit to include alternative energy systems; and providing an immediate effective date and a retroactive applicability date.

Amending sections 7-12-4102, 15-32-102, 15-32-115, 15-32-201, 15-32-401, and 15-32-402, MCA.

Committee Hearing:

House Taxation

Missed deadline for revenue bill transmittal.

SB 320 Sam Kitzenberg

State Purchase of Renewable Fuel Vehicles

An act requiring the Department of Administration to purchase 10 vehicles that are powered by renewable fuels; requiring that an agency requesting the purchase of a new vehicle be given the option of requesting a vehicle powered by renewable fuels; allowing a vehicle provided for the official use of the governor or lieutenant governor to be powered by renewable fuels; defining "renewable fuels"; requiring a report to the Legislature; and providing a contingent effective date and a contingent termination date.

Committee Hearings:	Senate Highways and Transportation House Transportation
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Second Reading Votes:	Senate 50-0; House 74-24
Third Reading Votes:	Senate 46-4; House 66-34

House amended, Senate did not concur, 49-0.  
Died in process.

SB 509 Steve Doherty

Revise Tax Credits for Alternative Fuel Vehicles

An act providing tax incentives for the use of alternative fuels in vehicles; providing definitions; providing a tax credit for the installation of alternative fuel apparatus and related infrastructure; providing a tax credit for the construction of alternative fuel delivery systems; providing a tax credit for the purchase of new alternative fuel vehicles; and providing an immediate effective date and a retroactive applicability date.

Committee Hearings:	Senate Energy and Telecommunications House Taxation
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Second Reading Vote:	Senate 39-6
Third Reading Vote:	Senate 42-5

Tabled in House committee.



## **- Utility Restructuring -**

Passed

◆ HB 47 William Price

### *Revise Laws Governing State Investments*

An act generally revising the laws governing state investments; removing the requirement that state bank examiners examine loans and investments; increasing the maximum loan for in-state investments; requiring commercial lender participation for certain investments; eliminating restrictions on maximum loan sizes for purposes of job credit interest rate reductions; and providing an effective date.

Amending sections 17-5-1529, 17-6-311, 17-6-312, 17-6-318, and 17-6-321, MCA.

Committee Hearing:	House State Administration
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Second Reading Vote:	House 83-16
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Third Reading Votes:	House 85-15
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Committee Hearing:	Senate Business and Labor
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Second Reading Vote:	Senate 50-0
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Taken from committee and rereferred to Senate Finance and Claims.

Second Reading Vote:	Senate 46-0
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Third Reading Vote:	Senate 48-1
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Governor amended: House concurred, 96-4; Senate concurred 50-0.

◆ HB 474 Paul Sliter

### *Revise Energy Laws Pertaining to Large Customers*

An act revising laws relating to electrical energy; allowing customers who elected an alternative electrical energy supplier an opportunity to receive electrical energy from the default supplier; providing that electrical energy purchased from the



default supplier by a default customer must be used for a consumptive purpose and may not be remarketed; authorizing the Board of Investments to invest in new generation projects that meet certain criteria; providing eligibility criteria for the projects, including long-term contracts with the default supplier or a Montana industry for the purchase of the electrical energy generated by the projects; requiring a pledge of the contract proceeds as a repayment option for the investments; making the state a party to the contract in the event of default in payment by default supplier; extending the duration of the Universal System Benefits Charge; modifying the default supplier licensing rules; creating a consumer electricity support program; providing that an electricity buying cooperative may serve as a supplier or promoter of alternative energy and conservation programs; defining "electricity supply costs"; clarifying the definition of "Universal System Benefits Programs" to include irrigated agriculture; providing for procedures for a transition to customer choice; providing for the default supplier's recovery of electricity supply costs; revising the Universal System Benefits Programs funding level to include irrigated agriculture; establishing a Montana Power Authority; allowing the authority to purchase, construct, and operate electrical generation facilities or electrical energy transmission or distribution systems and to enter into joint ventures for these purposes; authorizing the Board of Examiners to issue Revenue bonds for the Montana Power Authority to acquire electrical generation facilities and to build electrical energy transmission or distribution systems; providing that the principal and interest on the bonds is payable from the sale of electrical energy from the facilities and from electrical energy transmission and distribution charges; and providing effective dates.

Amending sections 17-7-502, 35-19-104, 69-8-103, 69-8-104, 69-8-201, 69-8-203, 69-8-210, 69-8-211, 69-8-402, 69-8-403, 69-8-412, and 69-8-414, MCA; repealing sections 35-19-103, 69-8-416, and 69-8-417, MCA.

Committee Hearings:	House Federal Relations, Energy, and Telecommunications Senate Energy and Telecommunications
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Second Reading Vote:	House 49-51
Segregated from the committee of the whole report.	

Second Reading Vote:	House 57-41; Senate 27-19
Third Reading Votes:	House 56-43; Senate 30-20

Senate amended, House did not concur, 69-30.

Free conference committee report adopted: House 60-39, Senate 26-24.

♣HB 600 Sylvia Bookout-Reinicke

*Tax Exemption for Energy Generating Equipment for a Business*

An act exempting certain noncommercial electrical generation machinery and equipment from property taxation; and providing an immediate effective date, a retroactive applicability date, and a termination date.

Committee Hearings:	House Taxation Senate Taxation
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Second Reading Votes:	House 100-0; Senate 44-1
Third Reading Votes:	House 100-0; Senate 43-4

Senate amended, House did not concur, 95-4.  
Free conference committee report adopted: House 82-16, Senate 42-5.

♣HB 645 George Golie

*Implement an Electrical Energy Pool*

An act implementing an electrical energy pool; authorizing the Public Service Commission to require a default supplier, a distribution services provider, and a public utility serving Montana customers to participate in the electrical energy pool; providing exceptions; requiring the default supplier, the distribution services provider, and the public utility to allow customers to participate in the electrical energy pool; authorizing the electrical energy pool to market the electrical energy made available by the customers participating in the pool to other Montana customers; and providing an immediate effective date and a termination date.

Committee Hearings:	House Taxation Senate Energy and Telecommunications
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Second Reading Votes:	House 94-6; Senate 44-4
Third Reading Votes:	House 96-3; Senate 45-3

House amended, Senate did not concur, 100-0.

Free conference committee report adopted: Senate 45-2, House 98-0.

◆ HJ 44 Aubyn Curtiss

*Request Federal Intervention for Wholesale Electricity Price Stability*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting federal intervention to stabilize wholesale electricity prices in the West.

Committee Hearings:	House Federal Relations, Energy, and Telecommunications Senate Natural Resources
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Second Reading Votes:	House 94-3; Senate 50-0
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Third Reading Votes:	House 92-7; Senate 48-2
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◆ SB 19 Mike Halligan

*Delay the Implementation of Full Customer Choice in Electricity Supply*

An act revising the laws governing customer choice in electric energy supply; extending the transition period; extending the dates requiring residential and small commercial customer participation in the selection of an electricity supplier; extending pilot program report date requirements; extending transition plan date requirements; extending the termination date of the Transition Advisory Committee; and providing an immediate effective date.

Amending sections 69-8-103, 69-8-104, 69-8-201, 69-8-211, 69-8-301, and 69-8-501, MCA.

Committee Hearings:	Senate Energy and Telecommunications House Federal Relations, Energy, and Telecommunications
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Second Reading Vote:	Senate 50-0
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Third Reading Vote:	Senate 50-0
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Tabled in House committee.

Taken from House committee and placed on second reading.

Second Reading Vote:	House 97-1
Third Reading Vote:	House 100-0

House amended, Senate did not concur, 50-0.  
Free conference committee report adopted: House 96-4, Senate 46-1.

◆ SB 56 Walter McNutt

*Modify Universal System Benefit Credits*

An act clarifying that utilities and large customers may receive credit for Universal System Benefits Programs that include amortized or nonamortized portions of expenditures; and providing an immediate effective date and a retroactive applicability date.

Amending section 69-8-402, MCA.

Committee Hearings:	Senate Energy and Telecommunications House Federal Relations, Energy, and Telecommunications
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Second Reading Votes:	Senate 35-12; House 96-4
Third Reading Votes:	Senate 43-5; House 82-18

◆ SB 134 Ken Miller

*Reduce Coal Severance Tax for Sales to New In-State Generation Plants*

An act providing that coal produced for in-state electrical generating facilities constructed after December 31, 2001, is taxed at one-third the otherwise applicable coal severance tax rate; and providing a delayed effective date and an applicability date.

Amending sections 15-35-101 and 15-35-103, MCA.

Committee Hearings:	Senate Taxation House Taxation
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Second Reading Votes:

Senate 27-20; House 61-38

Third Reading Votes:

Senate 28-22; House 61-38

House amended, Senate concurred, 28-22.

💡 SB 269 Walter McNutt

*Revise Certain Dates for Transition to Customer Choice for an Electricity Supplier*

An act revising certain dates for transition to customer choice for electricity supply; and providing an immediate effective date.

Committee Hearings:

Senate Energy and  
Telecommunications  
House Federal Relations, Energy, and  
Telecommunications

Second Reading Votes:

Senate 47-0; House 100-0

Third Reading Votes:

Senate 47-0; House 100-0

💡 SB 387 Jon Ellingson

*Revise Net Metering Law*

An act allowing a customer-generator to designate a certain beginning date for a 12-month billing period; and providing an immediate effective date.

Amending section 69-8-603, MCA.

Committee Hearings:

Senate Energy and  
Telecommunications  
House Federal Relations, Energy, and  
Telecommunications

Second Reading Votes:

Senate 50-0; House 100-0

Third Reading Votes:

Senate 50-0; House 97-3

☛ SB 398 Ken Miller

*Temporary Power Generation Facilities - Air Quality Permit*

An act providing for operation of temporary power generation units under the air quality permitting laws; and providing an immediate effective date.

Amending section 75-2-211, MCA.

Committee Hearings:	Senate Energy and Telecommunications House Federal Relations, Energy and Telecommunications House Taxation
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Second Reading Votes:	Senate 50-0; House 83-16
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Third Reading Votes:	Senate 50-0; House 80-19
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House amended, Senate did not concur, 48-0.

Free conference committee report adopted: Senate 38-12, House 76-24.

☛ SB 506 John Cobb

*Encourage Alternative Energy and Electrical Generation*

An act amending the laws relating to alternative energy and other energy systems; providing a revolving loan fund to finance alternative energy systems; providing that air quality noncompliance penalty fees be deposited in the revolving fund; eliminating business property taxes on certain generating equipment; providing a 5-year abatement of business property taxes on small generating equipment; amending various tax and bonding incentive laws to encourage production of energy by using alternative renewable energy sources; allowing a conditional tax credit for wind energy produced on state land; allowing an electricity buying cooperative to supply or promote alternative energy; and providing effective dates and an applicability date.

Amending sections 7-12-4102, 15-6-156, 15-24-1401, 15-31-124, 15-32-102, 15-32-109, 15-32-115, 15-32-201, 15-32-401, 15-32-402, 15-32-403, 15-72-104, 17-6-403, 17-6-503, 30-16-103, 35-19-104, 75-2-401, 75-2-413, 80-12-201, 90-4-102, 90-5-101, and 90-8-104, MCA.



Committee Hearings: Senate Energy and  
Telecommunications  
House Federal Relations, Energy and  
Telecommunications

Second Reading Votes: Senate 47-0; House 84-15  
Third Reading Votes: Senate 45-0; House 84-16

House amended, Senate did not concur, 49-0.  
Free conference committee report adopted: Senate 47-0, House 100-0.

♠SB 508 Mack Cole

*Encourage Electrical Generation in Montana - Property Tax Incentive*

An act revising property tax laws related to electrical generation facilities; exempting an electrical generation facility and related delivery facilities that offer 50 percent of their net generating output at a cost-based rate from property taxation for a specific period of time; authorizing a local governmental unit to assess an impact fee for local governmental units and school districts that are impacted by a facility exempted from property taxation; providing for interlocal impact agreements; and providing an immediate effective date.

Committee Hearings: Senate Energy and  
Telecommunications  
House Taxation

Second Reading Votes: Senate 38-9; House 73-27  
Third Reading Votes: Senate 38-9; House 72-28

House amended, Senate did not concur, 49-0.  
Free conference committee report adopted: Senate 35-14, House 64-36.

♠SB 521 Steve Doherty

*Revise Governor's Emergency Powers - Energy Emergency*

An act generally revising the emergency powers of the governor; revising the definition of "energy emergency"; clarifying the energy emergency powers of the governor; extending the duration of an energy emergency; clarifying that

proceedings undertaken during an energy emergency may be completed; and providing an immediate effective date.

Amending sections 90-4-302, 90-4-310, and 90-4-313, MCA.

Committee Hearings:	Senate Energy and Telecommunications House Federal Relations, Energy, and Telecommunications
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Second Reading Votes:	Senate 43-4; House 90-10
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Third Reading Votes:	Senate 43-5; House 95-5
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House amended, Senate did not concur, 49-0.

Free conference committee report adopted: House 92-8, Senate 29-20.

♠SJ 16 Ric Holden

*Support Efforts for Low Cost Energy for Irrigation*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the federal government to support the efforts of the Lower Yellowstone Conservation District Development Committee to obtain the promised benefits of the Pick-Sloan Missouri River Plan and retain low-cost energy for new and existing irrigation and to assist the conservation district in drafting and passing federal legislation outlining benefits needed to sustain existing irrigation and develop new irrigation in Montana's Yellowstone and Missouri River Basins.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Federal Relations, Energy, and Telecommunications
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Second Reading Votes:	Senate 50-0; House 93-7
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Third Reading Votes:	Senate 49-1; House 96-3
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Failed

☛HB 167 Don Hedges

*Exempt Certain Entities from Universal Systems Benefits Charges*

An act exempting certain entities from the universal system benefits charge; and providing a delayed effective date.

Amending section 69-8-402, MCA.

Committee Hearings:	House Federal Relations, Energy, and Telecommunications Senate Energy and Telecommunications
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Second Reading Votes:	House 67-33
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Third Reading Votes:	House 77-23
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Died in Senate committee.

☛HB 342 Gilda Clancy

*Dedicate Public Service Commission Revenue*

An act requiring that all fees collected by the Public Service Commission must be deposited into a special revenue account to the credit of the Department of Public Service Regulation; and providing an effective date.

Amending section 69-1-402, MCA.

Committee Hearings:	House State Administration Senate State Administration
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Second Reading Votes:	House 97-3; Senate 44-3
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Third Reading Vote:	House 100-0
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Segregated from committee of the whole report.

Rereferred to Senate Finance and Claims.

Tabled in Senate committee.

☛ HB 407 Ken Peterson

*Prohibit Ancillary Business by Public Utility*

An act requiring that public utilities providing natural gas or electrical energy service and that natural gas or electrical energy transmission or distribution services providers functionally separate the supply, transmission, and distribution of natural gas and electrical energy from appliance merchandising and servicing.

Committee Hearing: House Federal Relations, Energy, and Telecommunications

Tabled in House committee.

☛ HB 445 Dave Gallik

*Create Rebate for High Cost of Electricity*

An act raising the Wholesale Energy Transaction Tax; creating a public utility customer high electricity cost relief state special revenue account; appropriating revenue to the Public Service Commission to offset projected electricity supply cost increases for public utility customers; and providing a delayed effective date.

Amending sections 15-72-104 and 15-72-106, MCA.

Committee Hearing: House Federal Relations, Energy, and Telecommunications

Tabled in House committee.

☛ HB 467 Dave Wanzenried

*Remove Termination of Electric Universal Systems Benefits for Low-Income*

An act eliminating the sunset date for Universal System Benefits charge rates for low-income universal benefits programs; providing a revised charge rate beginning July 1, 2003; and providing an immediate effective date.

Amending section 69-8-402, MCA.

Committee Hearing: House Federal Relations, Energy, and Telecommunications

Tabled in House committee.

☛HB 632 Doug Mood

*Address Price for Commercial Users of Electricity - Lifeline Rates*

An act generally revising the electric utility industry restructuring and customer choice laws; defining "lifeline rate"; clarifying that the Public Service Commission retains authority over the price of electricity until a final transition plan is approved by the Commission; clarifying that the Commission's authority to set just and reasonable rates for default supply is a continuing obligation; requiring the Commission to commence a proceeding to provide just and reasonable rates; requiring the Commission to adopt a temporary lifeline rate for customers who have chosen an electricity supplier under Title 69, chapter 8, MCA; and providing an immediate effective date.

Amending sections 69-8-103, 69-8-201, 69-8-210, 69-8-211, and 69-8-403, MCA.

Committee Hearings: House Federal Relations, Energy, and Telecommunications  
Senate Energy and Telecommunications

Second Reading Votes: House 79-21; Senate 47-2  
Third Reading Votes: House 75-24; Senate 43-4

Senate amended, House did not concur, 65-33.  
Free conference committee appointed.  
Died in process.

☛HB 638 Kim Gillan

*Develop State Electrical Energy Policy and Plan*

An act directing the development of a state electrical energy policy component and plan; requiring that the policy component and plan be presented to the 58th Legislature and the Governor; appropriating \$75,000 from the general fund for

electrical energy policy development; and providing effective dates and a termination date.

Amending section 69-8-501, MCA.

Committee Hearing:

House Appropriations

Tabled in House committee.

Motion failed to take from committee and place on second reading, 49-48.

Missed deadline for appropriations bill transmittal.

HB 640 Dan McGee

*Generally Revise Laws on Electrical Energy to Stimulate Economic Development*

An act generally revising state laws concerning electrical energy in order to stimulate economic development; authorizing the Board of Investments to make loans to electrical energy generators to construct electrical energy generation facilities in Montana; requiring a long-term contract with the default supplier as a condition precedent to being eligible for an investment; authorizing the state to issue general obligation bonds to be used to purchase power for large customers or to purchase or build an electrical energy generation facility; creating a state debt; increasing the electrical energy producers tax and pledging the tax increase to bond repayment; increasing the wholesale energy transaction tax; revising the property tax classification and rate for certain electrical generating property; allowing a window of opportunity for a large customer to receive electrical energy from the default supplier; providing restrictions on the remarketing of electrical energy purchased from the default supplier; providing tax exemptions from property taxes and corporate income taxes for certain entities; and providing an immediate effective date.

Amending sections 15-6-156, 15-31-101, 15-31-102, 15-51-101, 15-51-103, 15-72-104, 15-72-106, 69-8-201, and 69-8-403, MCA.

Committee Hearings:

House Appropriations  
Senate Energy and  
Telecommunications

Second Reading Vote:

House 61-39

Third Reading Vote:

House 73-23

Tabled in Senate committee.

HB 646 George Golie

Encourage Development of Electrical Generation Resources

An act revising property tax laws related to electrical generation facilities; exempting an electrical generation facility and related delivery facilities that offer 75 percent of their net generating output for in-state use at a cost-based rate from property taxation for a specific period of time; requiring that if an owner or operator is exempt from property taxation for a specific period of time, any out-of-state sales of electricity that are above cost-based rates must benefit in-state purchasers; authorizing a local governmental unit to assess an impact fee for local infrastructure and school districts that are impacted by a facility exempted from property taxation; and providing a delayed effective date.

Committee Hearings:	House Taxation Senate Energy and Telecommunications
Second Reading Votes:	House 99-0; Senate 43-2
Third Reading Votes:	House 100-0; Senate 41-6
Senate amended, House did not concur, 92-8. Free conference committee appointed. Died in process.	

HB 647 Kim Gillan

Generally Revise Laws Governing Electrical Energy

An act generally revising the laws relating to electrical energy; extending the transition period for utilities to phase in customer choice of electricity supplier; defining "affiliate supplier" for purposes of electricity supply during the extended transition period; allowing a window of opportunity for a large customer to receive electricity from the default supplier; providing restrictions on the remarketing of electricity purchased from the default supplier; and providing an immediate effective date.

Amending sections 15-72-104, 69-8-103, 69-8-201, 69-8-403, and 69-8-404, MCA.

Committee Hearings:	House Taxation
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Senate Energy and  
Telecommunications

Second Reading Vote:  
Third Reading Vote:

House 74-25  
House 87-12

Tabled in Senate committee.

☛ HJ 20 Aubyn Curtiss

*Urge Federal Implementation of Power Generation*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the President, the Congress, and the Executive Branch of the federal government to facilitate the construction of critically needed new energy generation facilities using Powder River Basin super compliant coal and other available Montana natural resources.

Committee Hearings:

House Federal Relations, Energy, and  
Telecommunications  
Senate Energy and  
Telecommunications

Second Reading Votes:  
Third Reading Votes:

House 60-40  
House 59-39

Tabled in Senate committee.

☛ SB 22 Al Bishop

*An Act Repealing the Electric Utility Industry Restructuring Act*

An act repealing the Electric Utility Industry Restructuring and Consumer Choice Act and the Electricity Buying Cooperative Act; adjusting related statutes that refer to the repealed acts; and providing an immediate effective date.

Amending sections 15-72-103, 15-72-104, 69-3-1402, and 69-3-1403, MCA; and repealing sections 15-72-102, 35-19-101, 35-19-102, 35-19-103, 35-19-104, 35-19-105, 35-19-106, 35-19-107, 35-19-108, 35-19-201, 35-19-202, 35-19-203, 35-19-204, 35-19-205, 35-19-301, 35-19-302, 35-19-303, 35-19-304, 35-19-305,

35-19-306, 35-19-307, 35-19-308, 35-19-309, 35-19-310, 35-19-311, 35-19-312, 35-19-313, 35-19-314, 35-19-315, 69-8-101, 69-8-102, 69-8-103, 69-8-104, 69-8-201, 69-8-202, 69-8-203, 69-8-204, 69-8-208, 69-8-209, 69-8-210, 69-8-211, 69-8-301, 69-8-302, 69-8-303, 69-8-304, 69-8-308, 69-8-309, 69-8-310, 69-8-311, 69-8-401, 69-8-402, 69-8-403, 69-8-404, 69-8-408, 69-8-409, 69-8-410, 69-8-411, 69-8-412, 69-8-413, 69-8-414, 69-8-416, 69-8-417, 69-8-501, 69-8-502, 69-8-503, 69-8-601, 69-8-602, 69-8-603, and 69-8-604, MCA.

Committee Hearing:	Senate Energy and Telecommunications
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Missed deadline for general bill transmittal.

☞SB 57 Royal Johnson

*Extend Universal System Benefits Charge*

An act extending the sunset of the Universal System Benefits Charge rates by 2 1/2 years to the year 2005; exempting a utility that has not filed a transition plan as of January 1, 2001; and providing an immediate effective date.

Amending sections 69-8-201 and 69-8-402, MCA.

Committee Hearings:	Senate Energy and Telecommunications
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House Federal Relations, Energy, and Telecommunications

Second Reading Votes:	Senate 48-0; House 90-10
Third Reading Votes:	Senate 43-5; House 86-14

House amended, Senate did not concur, 31-18.  
Died in process.

☞SB 243 Royal Johnson

*Provide Stability for Future Electric Rates*

An act facilitating a process that encourages a reasonable price of electricity;



generally revising the electric utility industry restructuring, customer choice, and default supplier laws; clarifying the purpose of a buying cooperative; clarifying that a customer's distribution services provider is Also the default supplier; eliminating pilot programs for public utilities; eliminating the definition of "small customer"; defining "energy risk management process"; extending the transition period; clarifying customer choice and default supplier obligations during the transition period; accommodating new customers during the transition period; eliminating the commission's authority to extend the transition period; clarifying that a distribution services provider has an ongoing regulated default supply obligation beyond the end of the transition period; extending compliance dates for certain public utilities; eliminating the authority for a city, county, or consolidated government to become a default supplier; exempting certain public utilities from filing a transition plan until they can reasonably implement customer choice; reestablishing an educational process for informing customers about customer choice of electricity suppliers; establishing a process for default supply of electricity during the transition period; eliminating the default supplier licensing provisions; and providing an immediate effective date and an applicability date.

Amending sections 35-19-104, 69-8-103, 69-8-201, 69-8-203, 69-8-208, 69-8-210, 69-8-211, and 69-8-403, MCA; and repealing sections 35-19-103, 69-8-104, 69-8-416, and 69-8-417, MCA.

Committee Hearings:	Senate Energy and Telecommunications House Federal Relations, Energy, and Telecommunications
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Second Reading Votes:	Senate 33-17; House 55-44
Third Reading Votes:	Senate 31-19; House 44-56

Died in process.

¶SB 250 Ken Toole

#### *Government Condemnation Authority for Gas and Electric Facilities*

An act stating that access to consistently affordable natural gas and electricity is critical to Montana; providing for the condemnation of existing natural gas and electric utilities by a governmental entity; and requiring a governmental entity to meet a test before condemning an existing natural gas or electric utility.



Committee Hearings:

Senate Energy and  
Telecommunications

Tabled in Senate committee.

☛ SB 272 Ken Toole

*Revise Universal System Benefits Charge*

An act revising the universal system benefits charge rates; extending the sunset of the universal system benefits charge rates; and providing an immediate effective date.

Amending section 69-8-402, MCA.

Committee Hearings:

Senate Energy and  
Telecommunications  
House Federal Relations, Energy, and  
Telecommunications

Second Reading Vote:

Senate 36-12

Third Reading Vote:

Senate 38-12

Tabled in House committee.

☛ SB 276 Ken Toole

*Clarify PSC Authority to Allocate Utility Sale Proceeds - Approval for Transfer*

An act clarifying the Public Service Commission's authority to approve the acquisition or transfer of a public utility; providing the commission with authority to allocate proceeds; and providing an immediate effective date.

Committee Hearing:

Senate Energy and  
Telecommunications

Tabled in Senate committee.

Motion failed to take from committee and place on Senate second reading.

Missed deadline for general bill transmittal.

☛ SB 424 Bill Glaser

*Clarify Recoverable Electricity Supply Costs; Require Reasonable Return Rate*

An act clarifying recoverable electricity supply costs; requiring that a distribution services provider or default supplier receive a reasonable rate of return; and providing an immediate effective date.

Amending sections 69-8-210 and 69-8-403, MCA.

Committee Hearings:	Senate Energy and Telecommunications House Federal Relations, Energy, and Telecommunications
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Second Reading Vote:	Senate 31-17
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Third Reading Vote:	Senate 30-20
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Tabled in House committee.

☛ SB 446 Bob DePratu

*Authorize Agreements Between Electric Facility Providers*

An act authorizing the Public Service Commission to review an agreement by a rural electric cooperative to purchase or otherwise acquire a public utility's electric service facilities and service territory; exempting rural electric cooperatives that purchase or otherwise acquire a public utility's electric service facilities and service territory from certain provisions of the electric cooperative enabling laws; and providing an immediate effective date.

Amending sections 35-18-102, 35-18-105, and 35-18-106, MCA.

Committee Hearings:	Senate Taxation House Federal Relations, Energy, and Telecommunications
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Second Reading Votes:	Senate 50-0
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Third Reading Votes:	Senate 50-0
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Died in process.

☛SB 471 Ken Toole

*Restrict Use of Public Funds for Energy Projects*

An act restricting the use of public funds, tax credits, and tax deductions for a coal or natural gas facility unless the net generating load of that facility is dedicated to in-state use for customers with an individual load requirement of less than 1,000 kilowatts; and providing an immediate effective date.

Committee Hearing: Senate Energy and  
Telecommunications

Motion failed to take from committee and place on Senate second reading.  
Missed deadline for general bill transmittal.

☛SB 475 Steve Doherty

*Prohibit Unfair Electricity Profits*

An act prohibiting unfair electricity profits; providing for penalties, reimbursement, and attorney fees; allowing the Public Service Commission, the attorney general, or a county attorney to sue on behalf of state residents; and providing an immediate effective date.

Committee Hearing: Senate Energy and  
Telecommunications

Motion passed to take from committee and place on Senate second reading.  
Missed deadline for revenue bill transmittal.

☛SB 496 Bill Glaser

*Temporarily Exempt New Energy Storage Facilities from Property Taxes*

An act exempting new energy storage facilities from property taxation for a certain period of time; and providing an immediate effective date and a termination date.

Committee Hearings: Senate Taxation  
House Taxation

Second Reading Votes:

Senate 40-9

Third Reading Votes:

Senate 36-7

Tabled in House committee.

☛ SB 502 Ken Toole

*Create State Power Authority*

An act establishing a state power authority as a wholesale purchaser and seller of electricity to provide cost-based electricity to residential, agricultural, and small commercial consumers in Montana with electric loads of less than 1,000 kilowatts per month; allowing the authority to buy or build electrical generation facilities, transmission lines, or distribution systems and to enter into joint ventures for these purposes; allowing the authority to finance electrical generation facilities, transmission lines, and distribution systems through coal severance tax bonds and other revenue bonds; enabling the authority to establish as well as participate in various state energy conservation programs; requiring the authority to engage in energy planning activities with other state agencies; prohibiting the authority from selling to large customers; restricting the sale of power to out-of-state customers; requiring a default supplier to purchase power from the authority if the transaction is advantageous to customers; raising the rate of the wholesale energy transaction tax to provide support for the authority; clarifying that the state power authority is not a regulated utility; providing that a large customer may receive credit against universal system benefits charges by making contributions to the authority; adding a member to the Transition Advisory Committee on electric utility industry restructuring; and providing an immediate effective date.

Amending sections 15-72-104, 15-72-106, 17-5-701, 69-3-101, 69-8-102, 69-8-210, 69-8-402, 69-8-403, 69-8-416, 69-8-501, 70-30-111, 77-1-301, 90-4-102, 90-4-1003, and 90-5-101, MCA.

Committee Hearing:

Senate Energy and  
Telecommunications

Tabled in Senate committee.

☛SB 503 Ken Toole

*Referendum Allowing Issuance of Bonds to Acquire Generating Facilities*

An act authorizing the Board of Examiners to issue general obligation bonds for acquisition of hydroelectric generating facilities and associated water rights; creating a state debt; providing that the principal and interest on the bonds is payable from the sale of electrical energy from the facilities; clarifying that acquisition is a public use for purposes of eminent domain; providing that public acquisition is a more necessary public use; providing that the proposed act be submitted to the qualified electors of Montana; and providing an effective date.

Amending sections 17-7-502, 70-30-102, 70-30-111, 85-1-204, and 85-1-209, MCA.

Committee Hearing:	Senate Energy and Telecommunications
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Tabled in Senate committee.  
Motion failed to take from committee and place on Senate second reading.

☛SB 505 Mike Taylor

*Montana Energy Relief Act (Encourage Generating Facilities)*

An act revising laws relating to electric energy; exempting certain electrical generation from certain property tax levies for a certain period of time; exempting certain transmission or distribution facilities from property taxation for a certain period of time; exempting noncommercial generation facilities from property taxation; authorizing a local governmental unit to assess an impact fee for infrastructure and school district impacts of a facility exempted from property taxation; increasing the tax deduction for energy conservation investments; and providing effective dates, an applicability date, and a termination date.

Amending section 15-32-103, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 31-15; House 56-44
Third Reading Votes:	Senate 30-17; House 58-42

House amended, Senate did not concur, 44-1.  
Free conference committee appointed.  
Died in process.

☛ SB 512 Mike Halligan

*Impose Energy Excess Revenue Tax for Stable Prices and Other Purposes*

An act revising the laws related to electrical energy; imposing an electrical energy excess revenue tax; providing exemptions; creating an Electrical Energy Assistance and Business Recruitment State Special Revenue Account; providing for affordable and stable electrical energy prices by providing an offset to higher electrical energy prices for customers; allowing the Public Service Commission to assist in the recruitment of large employers and in the expansion of employment based on stable energy prices; allowing a portion of the Electrical Energy Excess Revenue Tax to be used for low-income energy assistance; allowing the Public Service Commission to provide low-interest loans for electrical generation and transmission facilities; providing a statutory appropriation; and providing an immediate effective date, an applicability date, and a termination date.

Amending section 17-7-502, MCA.

Committee Hearings:

Senate Energy and  
Telecommunications  
House Taxation

Second Reading Votes:

Senate 35-12; House 69-31

Third Reading Votes:

Senate 38-10; House 65-35

House amended, Senate did not concur, 49-0.

Free conference committee report passed consideration: House 57-40, Senate 26-19.

Died in process.

☛ SB 513 Jim Elliott

*Tax on Excess Profits of Electrical Generation and Transmission Facilities*

An act to impose an excess profits tax on electrical energy producers who both

generate and sell electricity within the state; establishing rates for the tax; providing an exception for sales to Montana customers of electricity for less than 150 percent of the cost of production; providing that the tax revenue be used for energy conservation, alternative energy system development, and electrical rate reduction; providing for the administration of the tax; providing that an industrial electricity user may not resell electricity; and providing an immediate effective date and an applicability date.

Amending sections 15-31-114 and 69-8-410, MCA.

Committee Hearings:	Senate Taxation House Federal Relations, Energy, and Telecommunications
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Second Reading Vote:	Senate 38-9
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Third Reading Vote:	Senate 39-9
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Tabled in House committee.

☛ **SB 515** Mike Taylor

*Establish a Montana Power Authority*

An act generally revising the laws related to electrical energy generation and electrical energy and natural gas transmission and distribution; establishing a montana power authority; allowing the authority to buy or build electrical generation facilities or electrical energy or natural gas transmission or distribution systems and to enter into joint ventures for these purposes; authorizing the board of examiners to issue revenue bonds for the montana power authority to acquire electrical generation facilities and to build electrical energy or natural gas transmission or distribution systems; providing that the principal and interest on the bonds is payable from the sale of electrical energy from the facilities and from electrical energy or natural gas transmission and distribution charges; allowing the montana power authority to also finance projects through coal severance tax bonds and other revenue bonds; providing restrictions on the sale of power to out-of-state customers; requiring a default supplier to purchase power from the authority if the transaction is advantageous to customers; raising the rate of the wholesale energy transaction tax to provide support for the authority; clarifying that the montana power authority is not a regulated utility; and providing an immediate effective date.



Amending sections 15-72-104, 15-72-106, 17-5-701, 69-3-101, 69-8-102, 69-8-210, 69-8-403, 69-8-416, 77-1-301, and 90-5-101, MCA.

Committee Hearing: Senate Energy and  
Telecommunications

Second Reading Vote: Senate 19-28

Second reading indefinitely postponed.  
Missed deadline for revenue bill transmittal.

☛ SB 517 Don Ryan

*Create Energy Deregulation Fund*

An act providing the Public Service Commission with the discretion to require a public utility to charge up to 1 cent per kilowatt hour to mitigate electricity supply-related costs incurred after July 1, 2002, fund low-income energy bill assistance and weatherization programs, and provide funds to mitigate impacts of energy-related job losses; creating a State Special revenue Account; and providing an immediate effective date.

Amending section 69-8-211, MCA.

Committee Hearing: Senate Energy and  
Telecommunications

Tabled in Senate committee.

☛ SB 518 John Cobb

*Offset Impacts of Major Energy Generation Facility Development*

An act generally establishing a process to help offset the impacts of a major energy generation facility development on local government infrastructure and schools; creating a Major Energy Generation Facility Impact Board; providing for the administration of the board; establishing the general powers of the board; establishing accounts; providing criteria for awarding grants; requiring that an impact plan be submitted; authorizing the coordination of the permitting process and the impact plan process; authorizing property tax prepayment; authorizing local government facility impact bonds; providing a process for impact plan



amendments; establishing local government budget authority to budget and expend payments; allowing for fund transfers; allowing for equitable distribution of property tax revenue among affected local governmental units; requiring the development of employee surveys; clarifying that the Coal Board may award impact grants based on coal bed methane development; increasing the wholesale energy transaction tax; and providing an effective date.

Amending sections 15-72-104, 15-72-106, and 90-6-206, MCA.

Committee Hearing:	Senate Energy and Telecommunications
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Tabled in Senate committee.

## **- Energy/Other -**

Passed

👤 SB 234 Jon Tester

*Revise Laws Governing Directors and Trustees for Rural Cooperatives*

An act providing for the duties of trustees and officers of a rural cooperative utility; establishing when a trustee or officer has a conflict of interest; providing that rural cooperative utilities may indemnify trustees and officers; providing certain conditions under which trustees and officers are not personally liable to the rural cooperative utility; and providing an immediate effective date.

Amending section 35-18-302, MCA.

Committee Hearings:	Senate Energy and Telecommunications House Federal Relations, Energy, and Telecommunications
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Second Reading Votes:	Senate 48-0; House 100-0
Third Reading Votes:	Senate 42-0; House 100-0

*Revise Rural Electric and Telephone Cooperative Laws*

An act generally revising rural cooperative laws; clarifying the description of class nine property as it relates to rural electric cooperatives; revising the definition of "rural area"; requiring that a cooperative's articles of incorporation include provisions for classification of members; clarifying cooperative membership and voting district provisions; providing that pole attachment matters are governed by federal law in certain municipal areas; and providing an immediate effective date. Amending sections 15-6-141, 35-18-102, 35-18-104, 35-18-203, 35-18-301, and 35-18-313, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 50-1; House 98-2

Third Reading Votes:

Senate 49-1; House 100-0

# Environmental Quality

## - Administration -

Passed

HB 6 Matt McCann

### *Renewable Resource Grant and Loan Appropriations*

An act appropriating money to the Department of Natural Resources and Conservation for grants under the Renewable Resource Grant and Loan Program; prioritizing grants and amounts; establishing conditions for grants; and providing effective dates.

Committee Hearings:	House Appropriations Senate Finance and Claims
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Second Reading Votes:	House 99-0; Senate 47-0
Third Reading Votes:	House 99-0; Senate 42-0

Senate amended, House concurred, 100-0.

HB 7 Matt McCann

### *Reclamation and Development Grants Appropriations*

An act appropriating money to the Department of Natural Resources and Conservation for grants for designated projects under the Reclamation and Development Grants Program; prioritizing grants and amounts; establishing conditions for grants; and providing an effective date.

Committee Hearings:	House Appropriations Senate Finance and Claims
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Second Reading Votes:	House 100-0; Senate 47-0
Third Reading Votes:	House 98-2; Senate 49-0

♣ HB 8 Matt McCann

*Renewable Resource Bonds and Loans - Coal Tax Bonds*

An act approving renewable resource projects and authorizing loans; reauthorizing renewable resource projects authorized by the 56<sup>th</sup> Legislature; appropriating money to the Department of Natural Resources and Conservation for loans under the Renewable Resource Grant and Loan Program; authorizing the issuance of coal severance tax bonds; authorizing the creation of a state debt and appropriating coal severance taxes for debt service; placing certain conditions upon loans; and providing an effective date.

Committee Hearings:	House Appropriations Senate Finance and Claims
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Second Reading Votes:	House 97-2; Senate 47-0
Third Reading Votes:	House 97-3; Senate 42-0

♣ HB 10 Dave Kasten

*Appropriate Oil Overcharge Payments*

An act appropriating oil overcharge money for programs administered by the State of Montana; and providing effective dates.

Amending section 4, chapter 49, Laws of 1999.

Committee Hearings:	House Appropriations Senate Finance and Claims
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Second Reading Votes:	House 99-0; Senate 47-0
Third Reading Votes:	House 96-3; Senate 49-0

♣ HB 12 Dick Haines

*Revise Building Energy Conservation Project Laws - General Obligation Bonds*

An act authorizing the issuance of general obligation bonds to fund the state building energy conservation program; approving energy conservation projects for fiscal years 2002 and 2003; appropriating bond proceeds to the Department of Environmental Quality; pledging the credit of the State of Montana to secure the

bonds to be issued; reappropriating stripper-well payments contained in the federal special revenue fund; revising the procedure for identifying buildings that have a potential for energy savings; and providing an effective date.

Amending sections 90-4-605 and 90-4-606, MCA.

Committee Hearings:	House Appropriations Senate Finance and Claims
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Second Reading Votes:	House 95-5; Senate 47-0
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Third Reading Votes:	House 96-3; Senate 48-1
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☛ HB 45 John Witt

*Advance Funds from Water Revolving Funds*

An act revising the Water Pollution Control State Revolving Fund Act and Drinking Water State Revolving Fund Act to authorize the Department of Natural Resources and Conservation to advance funds to projects funded, in part, by the federal government when federal funding has been approved but not appropriated; and providing an immediate effective date.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 95-4; Senate 50-0
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Third Reading Votes:	House 97-2; Senate 50-0
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☛ HB 46 Rick Dale

*Exempt Certain Water Project Contracts from Procurement Procedures*

An act increasing the limit for construction contracts without formal competitive bids for state-owned water projects to \$50,000; exempting the Department of Natural Resources and Conservation from specific solicitation and selection procedures for contracts up to \$15,000 for goods, nonconstruction services, or professional services related to state-owned water projects; and providing an immediate effective date.

Amending section 85-1-219, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
Second Reading Votes:	House 99-1; Senate 39-0
Third Reading Votes:	House 99-1; Senate 49-0

Senate amended, House concurred, 99-1.

◆HB 126 Cindy Younkin

*Revise Hearing Process for Certain Environmental Laws*

An act generally revising the procedural provisions of the water treatment plant operators certification laws, the Comprehensive Environmental Cleanup and Responsibility Act, the sanitation in subdivisions laws, the Strip and Underground Mine Siting Act, the coal and uranium mine reclamation laws, the metal mine reclamation laws, and the Opencut Mining Act; providing for hearings before the Board of Environmental Review rather than the Department of Environmental Quality; clarifying permit denial hearing requirements under the metal mine reclamation laws; revising the time within which a hearing must be held under the Opencut Mining Act; transferring the responsibility for holding a hearing under the Opencut Mine Act from the department to the board; and providing an immediate effective date.

Amending sections 37-42-102, 37-42-321, 75-10-714, 76-4-108, 76-4-126, 82-4-112, 82-4-130, 82-4-205, 82-4-206, 82-4-254, 82-4-338, 82-4-353, 82-4-361, 82-4-362, 82-4-422, 82-4-427, and 82-4-441, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
Second Reading Votes:	House 98-2; Senate 50-0
Third Reading Votes:	House 98-0; Senate 48-1

◆HB 334 Ralph Lenhart

*Revise Law on Type of Project Eligible for Water Pollution Control Funds*

An act revising the type of projects that are eligible for funding under the Water Pollution Control State Revolving Fund Act; including solid waste management systems as projects; and providing an immediate effective date.

Amending section 75-5-1102, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 81-19; Senate 48-0
Third Reading Votes:	House 85-14; Senate 48-0

Senate amended, House concurred, 95-5.

🏠 HB 444 Roger Somerville

*Reauthorize Natural Resource Damage Program*

An act appropriating money from the Coal Severance Tax Permanent Fund to the Department of Justice for technical, legal, and administrative activities for the State of Montana natural resource damage assessment and litigation in the Clark Fork River Basin; requiring repayment of the expended amounts from any recovery in the litigation; requiring a three-fourths vote; and providing effective dates.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 70-29; Senate 47-0
Third Reading Votes:	House 85-13; Senate 48-0

🏠 SB 10 Emily Stonington

*Revise Laws Governing Interim Committees and Their Functions*

An act generally revising the laws governing interim committees and interim committee functions; providing for committee review of statements of reasonable necessity for administrative rules; clarifying the adoption date for an administrative rule; creating the State-Tribal Relations Committee; assigning local government liaison responsibility; assigning responsibility for reviewing draft legislation; revising committee names; clarifying the process for assigning interim studies; revising the method of reporting to the Legislature; and providing an immediate effective date.

Amending sections 2-4-110, 2-4-302, 2-4-305, 2-4-306, 5-5-202, 5-5-211,



5-5-215, 5-5-216, 5-5-217, 5-5-223, 5-5-224, 5-5-225, 5-5-226, 5-5-227, 5-5-228, 5-11-106, 5-11-210, and 75-1-324, MCA.

Committee Hearings:	Senate State Administration House State Administration
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Second Reading Votes:	Senate 47-0; House 97-1
Third Reading Votes:	Senate 44-0; House 97-1

House amended, Senate concurred, 47-0.

♣SB 322 Debbie Shea

*Natural Resource Worker Education and Retraining*

An act creating the Natural Resource Workers' Education Program; providing tuition scholarships for natural resource workers permanently unemployed since January 1, 1995, to obtain an educational development equivalency diploma or to receive education or retraining in a degree program at a unit of the Montana University System; providing for eligibility criteria for a tuition scholarship; and providing an effective date, an applicability provision, and a termination date.

Amending section 15-38-106, MCA.

Committee Hearing:	Senate Natural Resources
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Second Reading Vote:	Senate 46-2
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Segregated from the Committee of the Whole.  
Rereferred to Senate Finance and Claims Committee.  
Taken from committee and placed on second reading.

Second Reading Vote:	Senate 46-3
Third Reading Vote:	Senate 44-3

Committee Hearing:	House Business and Labor
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Second Reading Vote:	House 89-11
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Rereferred to House Appropriations Committee.

Second Reading Vote:	House 75-25
Third Reading Vote:	House 79-21



House amended, Senate did not concur, 48-0.  
Free conference committee report adopted: Senate 50-0, House 73-27.

Failed

🐾HB 105 Dick Haines

*Provide Geographic Data Development Fund*

An act providing for the funding of local and state geographic data development projects; providing definitions; creating the geographic data development fund; authorizing the Department of Administration to make grants and loans from the fund; requiring the Department of Administration to adopt rules; providing a statutory appropriation; and providing effective dates and a termination date.

Amending section 17-7-502, MCA.

Committee Hearings:	House Appropriations Senate Finance and Claims
Second Reading Vote:	House 83-15
Third Reading Vote:	House 85-15

Tabled in Senate committee.

🐾HB 159 Steve Vick

*Revise Water Pollution Revolving Fund Laws*

An act revising the Water Pollution Control State Revolving Fund Act to permit the financing of composting facilities; and providing an immediate effective date.

Amending section 75-5-1102, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
Second Reading Vote:	House 100-0
Third Reading Vote:	House 100-0

Senate second reading indefinitely postponed, 46-1.  
Died in process.

☛ HB 269 Eileen Carney

*Full Time Employee for Asbestos Community Liaison*

An act appropriating funds to the Department of Public Health and Human Services for one half-time employee to be located in Libby, Montana, to assist residents in locating and accessing services to address asbestos-related issues; and providing an effective date.

Committee Hearings: House Human Services

Tabled in House committee.

☛ HB 291 Monica Lindeen

*Agriculture Experiment Stations Appropriations for Facility Improvements*

An act appropriating money from the general fund to the Montana University System, Montana Agricultural Experiment Station, for the agricultural research centers; providing a priority ranking for funding purposes; and providing for the reversion of excess funds.

Committee Hearing: House Appropriations

Tabled in House committee.

☛ HB 598 John Brueggeman

*Government Accountability Act; Scheduled Termination of State Programs*

An act providing for the scheduled termination of state agency programs; designating programs and times for termination; providing for the powers and duties of the Legislative Audit Committee and state agencies regarding termination of programs; requiring the Legislative Audit Committee to conduct performance audits of agency programs to be terminated; providing for the content of performance audits; requiring the Code Commissioner to submit legislation; exempting from the unfunded mandate law amounts required to be spent by a local

government unit as the result of the scheduled termination of an agency program; and providing effective dates.

Amending Sections 1-2-112, 2-8-101, 2-8-102, 2-8-111, 2-8-112, 2-8-113, 2-15-1519, 2-15-1816, 2-15-2005, 2-17-112, 15-30-121, 15-65-101, 15-65-121, 16-11-308, 17-7-502, 18-4-302, 20-2-115, 20-2-121, 25-1-201, 45-8-332, 50-5-215, 50-37-107, 50-37-108, 50-37-109, 50-60-202, 50-61-102, 50-61-112, 50-61-114, 50-61-121, 50-62-101, 50-62-102, 50-62-103, 50-62-104, 50-62-106, 50-62-107, 52-1-103, 52-2-724, 52-2-733, 52-4-205, 53-20-307, 75-11-302, 77-1-405, 77-2-203, 77-5-104, 90-6-205, 90-6-207, 90-6-209, and 90-8-201, MCA; and repealing sections 2-15-2214, 2-15-3104, 15-30-155, 15-30-156, 15-30-157, 15-65-122, 15-65-131, 17-5-1325, 17-6-401, 17-6-402, 17-6-403, 17-6-406, 17-6-407, 17-6-408, 17-6-409, 17-6-411, 20-7-901, 20-7-902, 20-7-903, 20-7-904, 23-1-301, 23-1-302, 23-1-303, 23-1-311, 23-1-312, 23-1-313, 23-1-314, 41-3-701, 41-3-702, 41-3-703, 41-3-704, 41-3-705, 44-2-701, 44-2-702, 44-2-703, 44-2-704, 44-2-705, 50-3-101, 50-3-102, 50-3-103, 50-3-106, 50-61-113, 52-2-734, 76-12-101, 76-12-102, 76-12-103, 76-12-104, 76-12-107, 76-12-108, 76-12-109, 76-12-110, 76-12-111, 76-12-112, 76-12-115, 76-12-116, 76-12-117, 76-12-121, 76-12-123, 80-12-101, 80-12-102, 80-12-103, 80-12-104, 80-12-201, 80-12-202, 80-12-203, 80-12-204, 80-12-205, 80-12-211, 80-12-215, 80-12-216, 80-12-301, 80-12-302, 80-12-303, 80-12-304, 80-12-305, 80-12-306, 80-12-307, 80-12-308, 80-12-309, 80-12-312, 80-12-313, 80-12-314, 81-6-301, 81-6-302, 81-6-311, 81-6-312, 81-6-313, 81-6-314, 87-1-210, 90-4-601, 90-4-602, 90-4-605, 90-4-606, 90-4-607, 90-4-611, 90-4-612, 90-4-613, 90-4-614, 90-6-210, 90-6-501, 90-6-502, 90-6-503, 90-6-504, 90-6-505, 90-6-506, 90-6-507, 90-14-101, 90-14-102, 90-14-103, 90-14-104, 90-14-105, 90-14-106, 90-14-107, 90-14-108, and 90-14-109, MCA.

Committee Hearings:	House Appropriations Senate Finance and Claims
Second Reading Vote:	House 68-32
Third Reading Vote:	House 69-31

Tabled in Senate committee.

☞ SB 84 Bea McCarthy

*Revise Administrative Penalties for Environmental Law Violations*

An act generally revising penalties relating to environmental laws; raising, and in some cases authorizing, judicial and administrative penalties that may be assessed

for violations of the Montana Solid Waste Management Act, the Motor Vehicle Recycling Laws, the Montana Megalandfill Siting Act, the Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act, the Montana Major Facility Siting Act, the Sanitation in Subdivision laws, the Strip and Underground Mine Siting Act, the Montana Strip and Underground Mine Reclamation Act, the Metal Mine Reclamation Laws, and the Opencut Mining Act; and providing an immediate effective date.

Amending sections 75-10-227, 75-10-228, 75-10-540, 75-10-541, 75-10-542, 75-10-943, 75-11-218, 75-11-223, 75-20-408, 76-4-108, 76-4-109, 82-4-141, 82-4-254, 82-4-361, and 82-4-441, MCA.

Committee Hearings:

Senate Natural Resources

Tabled in Senate committee.

#### ☛ SB 439 Lorents Grosfield

##### *Revise Lodging Facility Use Tax - Rental Car Tax*

An act generally revising the laws governing tourism and tourism promotion; revising the lodging facility use tax; clarifying that the tax is paid by the consumer; increasing the tax rate; providing an income and corporation tax credit for all lodging facility use taxes and all rental vehicle surcharges paid; revising the allocation of the tax; providing that the owner or operator of a lodging facility keeps 5 percent of the tax for administering the collection of the tax; providing that the balance of the lodging facility use tax and rental vehicle surcharge that is not otherwise allocated be deposited for the use of K-12 education; establishing a rental vehicle surcharge; providing that the proceeds of the surcharge be distributed together with the proceeds of the lodging facility use tax; providing for the administration of the surcharge and providing for penalties and interest; requiring that a rental vehicle owner or operator must have a permit to operate; providing that the rental vehicle owner or operator keeps 5 percent of the surcharge for administering the collection of the surcharge; creating the Community Heritage Grant Program; creating the Main Street Program; creating the Montana Business Marketing and Recruitment Program; and providing an effective date and an applicability date.

Amending sections 2-15-150, 15-65-101, 15-65-111, 15-65-112, 15-65-121, and 15-65-122, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Vote:

Senate 27-20

Third Reading Vote:

Senate 30-17

Tabled in House committee.

Motion failed to take from committee and place on House second reading.

☛ SB 463 Lorents Grosfield

*Clarify and Balance Environmental Duties of State and Individuals*

An act specifying that it is the Legislature's responsibility to balance inalienable rights and that the Legislature's balance is presumed valid unless determined to be unreasonable; submitting to the qualified electors of Montana an amendment to Article II, section 3, of the Montana constitution; and providing an effective date.

Committee Hearing:

Senate Natural Resources

Tabled in Senate committee.

## **- Montana Environmental Policy Act (MEPA) -**

Passed

☛ HB 147 Rick Dale

*Require EIS Completion Within One Year of Mining Permit Acceptance*

An act requiring the Department of Environmental Quality to complete and publish a Final Environmental Impact Statement at least 15 days prior to the date of issuance of the written findings on a permit application; and providing an immediate effective date.

Amending section 82-4-231, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:  
Third Reading Votes:

House 98-0; Senate 50-0  
House 99-0; Senate 48-1

♠HB 459 Doug Mood

*Generally Revise MEPA - Analysis of Alternatives*

An act revising the Montana Environmental Policy Act; providing criteria for the analysis of project alternatives; and providing definitions.

Amending section 75-1-201, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 58-41; Senate 30-19

Third Reading Votes:

House 59-40; Senate 32-18

Senate amended, House did not concur, 62-37.

Free conference committee report adopted: Senate 28-21, House 60-40.

♠HB 473 Cindy Younkin

*Revise MEPA - Restrict Conditions*

An act clarifying that actions taken under the Montana Environmental Policy Act may not be conditioned beyond statutory requirements; providing definitions; and providing an immediate effective date.

Amending section 75-1-201, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 60-40; Senate 28-21

Third Reading Votes:

House 59-40; Senate 29-21

Senate amended, House did not concur, 87-13.

Free conference committee report adopted: House 60-40, Senate 28-21.



🔗HB 477 Dave Kasten

*Prohibit Use of Applicant's Assets in Calculating Fees for Producing an EIS*

An act prohibiting the use of an applicant's property or assets in the calculation of fees assessed for the production of an Environmental Impact Statement; and providing an immediate effective date.

Amending section 75-1-203, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
Second Reading Votes:	House 97-3; Senate 48-0
Third Reading Votes:	House 97-3; Senate 47-1

🔗SB 33 Bea McCarthy

*Revise MEPA - Remand of New Issues*

An act clarifying existing law to require that new issues not first presented to a state agency in an action challenging a decision under the Montana Environmental Policy Act must be remanded by the district court to the agency for its consideration.

Amending section 75-1-201, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 43-0; House 99-0
Third Reading Votes:	Senate 48-2; House 96-1

House amended, Senate concurred, 49-0.

🔗SB 377 Duane Grimes

*Revise MEPA - Time Limits and Procedures*

An act revising the Montana Environmental Policy Act; providing time limits for conducting environmental reviews; providing definitions; and requiring that



administrative or legal challenges to actions under the Montana Environmental Policy Act be brought within 30 days of a decision.

Amending section 75-1-201, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Vote:	Senate 25-25
Motion failed to indefinitely postpone Senate second reading.	
Motion to amend passed Senate second reading.	

Second Reading Votes:	Senate 30-20; House 60-40
Third Reading Votes:	Senate 30-20; House 61-39

House amended, Senate concurred, 29-21.

♣SB 376 Bob DePratu

*Exemption from Environmental Review for Certain Actions Related to State Lands*

An act exempting certain actions of the Department of Natural Resources and Conservation and the Board of Land Commissioners from environmental review requirements; and providing an immediate effective date and a retroactive applicability date.

Amending section 77-1-121, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 43-7; House 58-42
Third Reading Votes:	Senate 40-10; House 60-40

♣SB 408 Bea McCarthy

*Significance Determination under MEPA*

An act requiring that an agency determination of environmental impact significance for a project subject to the Montana Environmental Policy Act be endorsed by the agency director; providing a definition; and providing an

immediate effective date.

Amending section 75-1-201, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 50-0; House 100-0
Third Reading Votes:	Senate 50-0; House 98-0

Failed

☛HB 591 Dennis Himmelberger

*Revise the Major Facility Siting Act*

An act generally revising the Montana Major Facility Siting Act; clarifying the policy of the Montana Major Facility Siting Act; modifying the definition of "certificate"; modifying the information requirements for applications; eliminating the requirement that a copy of an application be sent to other local, state, and federal governmental entities; modifying public notice requirements; requiring that the determination of any additional filing fee be reviewed by the appropriate legislative committee; revising the filing fee scale; reducing certain time requirements of the siting laws; qualifying the use of Montana Environmental Policy Act documents; reducing the fees required for certificate renewals; revising the department's decision process for renewing a certificate; including economic importance and benefits in determining the significance of a facility's impact; revising the department's approval criteria for certain facilities; clarifying requirements for commencement of construction; and providing an immediate effective date.

Amending sections 7-1-111, 69-3-1205, 75-20-102, 75-20-104, 75-20-201, 75-20-211, 75-20-213, 75-20-215, 75-20-216, 75-20-225, 75-20-226, 75-20-231, 75-20-232, 75-20-301, 75-20-303, 85-2-124, 85-2-607, 85-15-107, and 90-6-207, MCA.

Committee Hearing:	House Taxation
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Missed deadline for revenue bill transmittal.

*Study MEPA-Related Issues*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that the Legislative Environmental Quality Council conduct an interim study on the Montana Environmental Policy Act (MEPA) statutory fee schedule, MEPA alternatives analysis, state agency use of Programmatic Environmental Reviews, and the adequacy of state agency MEPA administrative rule definitions.

Committee Hearings:

Senate Natural Resources

House Natural Resources

Second Reading Vote:

Senate 50-0

Third Reading Vote:

Senate 49-1

Tabled in House committee.

# Fish and Wildlife

Passed

HB 39 Daniel Fuchs

## *Revise Statutes Regulating Fishing by Youths and Seniors*

An act revising certain statutes regulating fishing by youths and persons 62 years of age or older; increasing the age for juveniles to fish in certain designated waters; allowing resident youths under 15 years of age and residents 62 years of age or older to obtain paddlefish tags with a valid wildlife conservation license; and providing an immediate effective date.

Amending sections 87-1-304 and 87-2-306, MCA.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Votes:	House 99-1; Senate 48-0
Third Reading Votes:	House 96-1; Senate 42-0

HB 99 Ron Devlin

## *Repeal Termination of Separation of Nonresident Deer and Elk License*

An act repealing the termination date of the law authorizing the Fish, Wildlife, and Parks Commission to separate nonresident deer licenses from the nonresident big game combination licenses for purposes of deer management and to set the terms and conditions of the licenses; and providing an immediate effective date.

Repealing section 6, chapter 355, Laws of 1997.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Votes:	House 98-0; Senate 42-0
Third Reading Votes:	House 100-0; Senate 47-1

HB 142 Roger Somerville

*Authorize Rules Restricting Nonresident Lion Licenses*

An act granting the Fish, Wildlife, and Parks Commission authority to adopt rules restricting nonresident mountain lion hunters in designated hunting districts in region 1; and providing an immediate effective date and a termination date.

Amending section 87-1-301, MCA.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Votes:	House 86-12; Senate 43-7
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Third Reading Votes:	House 86-12; Senate 47-3
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Senate amended, House did not concur, 94-6.

Free conference committee report rejected: Senate 49-1, House 50-50.

Motion carried to refer back to free conference committee.

Free conference committee report adopted: House 97-2, Senate 45-0.

HB 166 Michelle Lee

*Allow Conveyance of Wetland Mitigation Site with Perpetual Conservation Covenant*

An act allowing certain land to be conveyed by the Department of Transportation with a perpetual conservation easement; restricting who may own the conservation easement; and providing special restrictions for wetland mitigation sites.

Amending section 60-4-207, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 90-10; Senate 48-2
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Third Reading Votes:	House 90-8; Senate 44-2
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Senate amended, House concurred, 75-25.

HB 185 Steve Gallus

*Revise the Duration and Remove the Termination of Youth Combination Sports License*

An act clarifying that a person 17 years of age who lawfully purchases a youth combination license but who reaches 18 years of age during the license year may legally hunt or fish with the license; removing the termination date applicable to the youth combination sports license; and providing an immediate effective date.

Amending section 87-2-805, MCA; and repealing section 4, chapter 568, Laws of 1999.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Votes:	House 99-0; Senate 48-0
Third Reading Votes:	House 96-1; Senate 49-0

HB 186 Linda Holden

*Fund Predator Control*

An act appropriating \$50,000 from the general license fund of the Department of Fish, Wildlife, and Parks for the USDA-APHIS Wildlife Services Program to assist with predator control in Montana; and providing an effective date.

Committee Hearings:	House Appropriations Senate Finance and Claims
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Second Reading Votes:	House 67-32; Senate 49-0
Third Reading Votes:	House 75-25; Senate 47-1

Senate amended, House concurred, 62-38.

HB 258 Steve Vick

*Eliminate the Sunset Provision to the Shooting Range Development Grants*

An act eliminating the sunset provision applicable to the Shooting Range Development Grant Program; and providing an effective date.

Repealing section 9, chapter 475, Laws of 1999.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Votes:	House 91-8; Senate 49-0
Third Reading Votes:	House 86-10; Senate 43-0

♣ HB 292 Dan Fuchs

*Fees to Fund Fishing Access Enhancement Program*

An act creating the Fishing Access Enhancement Program to provide incentives to landowners who provide access to or across private land for public fishing; including fishing access enhancement within the scope of issues that may be considered by the Governor's review committee on private lands and public wildlife; and providing a delayed effective date and a termination date.

Amending section 87-1-269 MCA.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Votes:	House 96-4; Senate 48-0
Third Reading Votes:	House 96-2; Senate 47-2

♣ HB 365 James Whitaker

*Designate State Butterfly*

An act designating the mourning cloak as the official state butterfly.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Votes:	House 99-1; Senate 39-0
Third Reading Votes:	House 94-4; Senate 49-0



☛ HB 419 Jim Shockley

*Create Fish, Wildlife and Parks Enforcement Program in Attorney General's Office*

An act creating in the Office of the Attorney General a program for the investigation and prosecution of violations of fish, wildlife, and parks laws.

Committee Hearings:	House Judiciary Senate Judiciary
Second Reading Votes:	House 59-37; Senate 47-0
Third Reading Votes:	House 59-41; Senate 47-1

☛ HB 451 George Golie

*Revise Disabled Hunter Law*

An act revising the regulation of hunting by a person with a disability; clarifying that turkeys are not a game bird species that may be hunted by a disabled hunter with only a conservation license; providing that a person who was granted a permit to hunt from a vehicle during the 2000 license year or a subsequent license year is considered eligible for the permit during subsequent license years unless permit criteria change; clarifying the criteria for which a disabled person may be granted a permit to hunt from a vehicle; and providing an immediate effective date.

Amending section 87-2-803, MCA.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
Second Reading Votes:	House 100-0; Senate 48-0
Third Reading Votes:	House 100-0; Senate 48-0

☛ HB 454 Paul Clark

*Allow Issuance of Landowner Either-Sex Elk Permits*

An act encouraging additional free public hunting on private land by allowing the issuance of an either-sex elk permit to certain landowners who make their private

property available to the public for free hunting throughout the hunting season; setting the terms and conditions of the landowner either-sex elk permit; and providing an immediate effective date and a termination date.

Committee Hearings:	House Fish, Wildlife and Parks Senate fish and Game
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Second Reading Votes:	House 100-0; Senate 43-0
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Third Reading Votes:	House 96-2; Senate 48-0
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Senate amended, House concurred, 94-6.

🔗HB 455 Dave Lewis

*Revise Term of Temporary Change of Water Right for Instream Flow*

An act authorizing a temporary change of appropriation right for instream flow for up to 30 years under certain conditions; and providing an effective date and a termination date.

Amending section 85-2-407, MCA.

Committee Hearings:	House Natural Resources Senate Agriculture, Livestock and Irrigation
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Second Reading Votes:	House 98-0; Senate 48-0
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Third Reading Votes:	House 100-0; Senate 49-0
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Senate amended, House concurred, 100-0.

🔗HB 492 Paul Clark

*Change Prairie Dog Classification to Species in Need of Management*

An act clarifying the authority of the Department of Fish, Wildlife, and Parks to manage the prairie dog as a species in need of management; and providing an immediate effective date.

Amending section 87-5-102, MCA.

Committee Hearings: House Fish, Wildlife and Parks  
Senate Agriculture, Livestock and  
Irrigation

Second Reading Vote: House 46-53

Segregated from the committee of the whole report.

Second Reading Votes: House 72-28; Senate 32-10

Third Reading Votes: House 65-33; Senate 37-12

Senate amended, House concurred, 77-21.

🐾 HB 516 Larry Jent

*Appropriate Funds for Game Warden Trainee Program at MSU and UofM*

An act appropriating funds to the Department of Fish, Wildlife, and Parks to hire two half-time employees, including one student from the University of Montana and one student from Montana State University, to participate in the game warden trainee program; and providing an effective date.

Committee Hearings: House Appropriations  
Senate Finance and Claims

Second Reading Votes: House 74-26; Senate 48-0

Third Reading Votes: House 78-21; Senate 46-2

Senate amended, House concurred, 85-15.

🐾 HB 554 Paul Sliter

*Increase Certain Nonresident Hunting and Fishing Fees*

An act increasing certain nonresident hunting and fishing fees; requiring that a nonresident possess a wildlife conservation license, rather than a class B-1 upland game bird license, as a prerequisite to the purchase of a wild turkey tag; and providing a delayed effective date.

Amending sections 87-2-202, 87-2-302, 87-2-304, 87-2-403, 87-2-504, 87-2-505, 87-2-510, and 87-2-701, MCA.

Committee Hearings: House Fish, Wildlife and Parks  
Senate Fish and Game

Second Reading Votes: House 84-16; Senate 45-3

Third Reading Votes: House 83-15; Senate 43-3

Senate amended, House concurred, 83-17.

♠ HB 569 John Esp

*Revise Outfitter Laws*

An act revising the time periods within which a newly licensed outfitter, a newly licensed outfitter who purchases an existing outfitting business, and an outfitter who requests an expansion of net client hunter use have to establish net client hunter use; and providing an immediate effective date.

Amending section 37-47-316, MCA

Committee Hearings: House Fish, Wildlife and Parks  
Senate Fish and Game

Second Reading Votes: House 96-2; Senate 43-3

Third Reading Votes: House 97-3; Senate 44-1

Senate amended, House concurred, 94-5.

♠ HJ 16 Dick Haines

*Agency Study Re: Control of Importation of Exotic Animals*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that the Department of Fish, Wildlife, and Parks, in cooperation with the Departments of Agriculture, Livestock, and Public Health and Human Services, conduct a study on the importation and possession of exotic wildlife and report the results of the study and recommendations to the Governor and the 58th Legislature.

Committee Hearings: House Fish, Wildlife and Parks  
Senate Fish and Game

Second Reading Votes:

House 55-45; Senate 35-10

Third Reading Votes:

House 60-40; Senate 44-4

♣SB 54 Glenn Roush

*Revise Hunting License for Active Duty Military*

An act allowing an individual who has received or may receive a Montana resident hunting, fishing, or trapping license by virtue of membership in the regular armed forces of the United States to possess, apply for, or receive that resident license notwithstanding possession, application for, or receipt of resident hunting, fishing, or trapping privileges in another state also by virtue of membership in the regular armed forces of the united states; and providing an immediate effective date.

Amending section 87-2-102, MCA.

Committee Hearings:

Senate Fish and Game

House Fish, Wildlife and Parks

Second Reading Votes:

Senate 49-0; House 98-0

Third Reading Votes:

Senate 49-0; House 100-0

♣SB 104 Mike Sprague

*Revise Fish and Game Enforcement Laws*

An act generally revising fish and wildlife enforcement statutes; clarifying the forfeiture of privileges penalty for waste of game; clarifying the authority of a peace officer, game warden, or other authorized person to destroy a dog that chases, stalks, or pursues a hooved game animal and providing an optional criminal penalty for the dog owner; clarifying the offense of providing supplemental feed attractants to game animals and adding an offense of feeding or allowing bears to feed; revising trap tagging requirements to include traps used for any animal and allowing use of the trapper's wildlife conservation license number on trap tags; and providing an immediate effective date.

Amending sections 87-3-102, 87-3-124, 87-3-130, and 87-3-504, MCA.

Committee Hearings:

Senate Fish and Game

House Fish, Wildlife and Parks

Second Reading Votes:

Senate 44-4; House 52-47

Third Reading Votes:

Senate 43-4; House 53-47

House amended, Senate concurred, 44-4.

♠ SB 163 Lorents Grosfield

*Reclassify Certain Species for Management Purposes*

An act revising statutes applicable to the management of certain animal species; reclassifying certain species to increase the state's ability to maintain or regain management authority rather than having management authority exercised by the federal government; exempting gray wolf, grizzly bear, and lynx from the definition of predatory animal under programs administered by the Department of Livestock, the purposes of which are to exterminate or destroy predatory animals; allowing a person to protect livestock by killing or attempting to kill a grizzly bear that is in the act of attacking or killing livestock; allowing the amendment of regulations for a species in need of management without legislative approval; providing for management of the gray wolf if it is removed from the federal and state lists of threatened or endangered wildlife; and providing an immediate effective date.

Amending sections 81-7-101, 87-3-127, 87-3-130, and 87-5-105, MCA; and repealing section 7, chapter 244, Laws of 1995.

Committee Hearings:

Senate Fish and Game

House Fish, Wildlife and Parks

Second Reading Votes:

Senate 48-2; House 96-4

Third Reading Votes:

Senate 47-3; House 95-4

♠ SB 238 Jon Tester

*Increase Out-of-State Waterfowl License Fee*

An act increasing the license fee for a nonresident who wishes to hunt migratory game birds; and providing a delayed effective date.

Amending section 87-2-411, MCA.



Committee Hearings:

Senate Fish and Game  
House Fish, Wildlife and Parks

Second Reading Votes:

Senate 46-2; House 75-24

Third Reading Votes:

Senate 38-4; House 77-23

🐾 SB 262 Jack Wells

*Eliminate Social Security Numbers on Hunting and Fishing License Applications*

An act eliminating the requirement that a person's social security number be included on an application for a montana hunting, fishing, or trapping license or a wildlife conservation license in certain circumstances if the state receives an exemption from the requirement; and providing effective dates and an applicability date.

Amending sections 87-2-106 and 87-2-202, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish, Wildlife and Parks

Second Reading Votes:

Senate 48-0; House 97-3

Third Reading Votes:

Senate 47-1; House 100-0

House amended, Senate concurred, 47-0.

🐾 SB 285 Walter McNutt

*Revise Conservation License laws*

An act modifying funding of the hunter management and hunting access enhancement programs by creating resident and nonresident wildlife conservation hunting access enhancement fees, to be used by the Department of Fish, Wildlife, and Parks to encourage enhanced hunting access to private and public lands through voluntary programs; providing that the hunting access enhancement fee is chargeable only once each license year; increasing from \$8,000 to \$12,000 the incentive amount that may be paid to landowners participating in the hunter management program or hunting access enhancement program; and providing a delayed effective date and a termination date.



Amending sections 87-1-265, 87-1-267, 87-1-270, 87-2-202, 87-2-505, 87-2-510, and 87-2-711, MCA.

Committee Hearings:	Senate Fish and Game House Fish, Wildlife and Parks
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Second Reading Votes:	Senate 44-3; House 75-25
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Third Reading Votes:	Senate 46-4; House 74-26
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♣SB 304 Linda Nelson

*Clarify Upland Game Bird Habitat Enhancement*

An act clarifying the scope of and revising funding criteria for the upland game bird habitat enhancement program; requiring that a percentage of available revenue be spent on the upland game bird release program before remaining revenue becomes available for the upland game bird habitat enhancement program; clarifying project eligibility criteria; and providing an effective date.

Amending sections 87-1-247, 87-1-248, and 87-1-249, MCA.

Committee Hearings:	Senate Fish and Game House Fish, Wildlife and Parks
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Second Reading Votes:	Senate 49-1; House 100-0
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Third Reading Votes:	Senate 47-3; House 100-0
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House amended, Senate concurred, 47-2.

♣SB 431 Emily Stonington

*Clarify Laws on Commercial Collection of Nongame Wildlife*

An act to clarify the law regarding the regulation of the commercial collection of certain nongame wildlife; defining "commercial purposes"; providing that certain nongame wildlife may not be taken for commercial purposes without authorization by the Department of Fish, Wildlife, and Parks; and providing exceptions.

Amending section 87-5-102, MCA.

Committee Hearings: Senate Fish and Game  
House Fish, Wildlife and Parks

Second Reading Votes: Senate 50-0; House 67-27

Third Reading Votes: Senate 48-2; House 68-32

House amended, Senate concurred, 49-0.

♣ SB 437 Mack Cole

*Supplemental Game Damage Licenses*

An act providing for the issuance of supplemental game damage hunting licenses if necessary for game management purposes; setting the terms and conditions of supplemental game damage hunting licenses; and providing an immediate effective date and a termination date.

Committee Hearings: Senate Agriculture, Livestock and  
Irrigation  
House Fish, Wildlife and Parks

Second Reading Votes: Senate 37-13; House 72-27

Third Reading Votes: Senate 35-15; House 74-26

House amended, Senate did not concur, 49-0.

Free conference committee report adopted by Senate, 40-10.

Motion carried to take from House second reading and rerefer to Free conference committee.

Motion carried to reconsider previous action in rejecting House amendments.

Passed Senate third reading as amended by House, 44-1.

Failed

♣ HB 107 Bill Eggers

*Equitable Distribution of Sport Fish and Wildlife Restoration Revenue*

An act providing for the equitable distribution of federal aid in sport fish restoration and federal aid in wildlife restoration program revenue between the state and Montana tribal governments for wildlife management and fish

management purposes; authorizing expenditure of up to 7 percent of the federal aid in sport fish and wildlife restoration program revenue available to the Department of Fish, Wildlife, and Parks on tribal wildlife and fish management programs; creating the Tribal Natural Resources Council and prescribing Council membership and duties; providing that the council recommend distribution of state-funded projects for tribal wildlife and fish management programs; and providing an effective date.

Committee Hearings:	House Federal Relations, Energy, and Telecommunications Senate Fish and Game
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Second Reading Vote:	House 80-20
Third Reading Vote:	House 81-19

Tabled in Senate committee.

Motion failed to take from committee and place on Senate second reading.

☛ HB 215 Jim Shockley

*Retain Unimproved Fishing Access Sites, Eliminate Resident User Fees*

An act limiting development at certain fishing access sites; allowing the Department of Fish, Wildlife, and Parks to designate additional fishing access sites for limited development by rule; eliminating resident user fees, and camp hosts at designated fishing access sites; establishing a 7-day camping limit in designated fishing access sites; and providing an effective date.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Vote:	House 51-49
Third Reading Vote:	House 60-39

Tabled in Senate committee.

☛ HB 228 Dan Fuchs

*Limit Nonresident Fishing on Certain Streams*

An act creating nonresident trophy trout water angling permits that would be required of a nonresident who wishes to fish in waters for which a recreational use management plan has been adopted by the Fish, Wildlife, and Parks Commission; setting the terms and conditions of nonresident trophy trout water angling permits and requiring that the permits be offered through a drawing; allowing the Fish, Wildlife, and Parks Commission to regulate the number of nonresident trophy trout water angling permits that may be issued in any license year and to limit nonresident angling use during all or part of a license year; and providing a delayed effective date.

Committee Hearings:

House Fish, Wildlife and Parks

Tabled in House committee.

☛ HB 264 Dave Lewis

*Montanan's Right to Hunt Wild Game - State Regulation to Enhance Populations*

An act submitting to the qualified electors of Montana an amendment to Article IX of the Montana Constitution recognizing and preserving the heritage of Montana citizens to harvest wild fish and wild game animals and requiring the state to manage fish and wildlife to preserve opportunities to harvest wild fish and wild game animals; and providing an immediate effective date.

Committee Hearings:

House Fish, Wildlife and Parks

Tabled in House committee.

☛ HB 282 Jeff Laszloffy

*Eliminate Social Security Number on Hunting and Fishing License Applications*

An act eliminating the requirement that a person's social security number be included on an application for a Montana hunting, fishing, or trapping license or a wildlife conservation license; and providing an immediate effective date and an a retroactive applicability date.

Amending sections 87-2-106 and 87-2-202, MCA.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
Second reading Vote:	House 94-6
Third Reading Vote:	House 94-6

Tabled in Senate committee.

◆HB 305 Gail Gutsche

*Alternative Livestock Ranch Bonding Requirement for License Renewal*

An act requiring a bond for a licensee who applies for renewal of an alternative livestock ranch license; establishing the amount of the bond and providing for license suspension upon failure to maintain the bond; and providing a delayed effective date.

Amending Sections 87-4-411, 87-4-412, and 87-4-427, MCA.

Committee Hearing:	House Fish, Wildlife and Parks
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Tabled in House committee.

◆HB 306 Joe Balyeat

*Requirement for Setting Aside Nonresident Big Game and Deer Combined Licenses*

An act revising the requirements for setting aside nonresident big game combination and deer combination licenses, including the variably priced licenses that fund the hunter management and hunting access enhancement programs; setting aside 1,000 class B-10 and 500 class B-11 nonresident combination licenses for use by nonresidents who intend to hunt with licensed Montana relatives; limiting to two the number of nonresident relative hunters that may be sponsored by a licensed Montana resident hunter during a license year; increasing the total amount of compensation that may be provided to a landowner who participates in the hunter management and hunting access enhancement programs from \$8,000 to \$12,000; requiring the review committee to report on the

implementation and success of the resident-sponsored nonresident hunter program; and providing a delayed effective date and a termination date.

Amending sections 87-1-267, 87-1-268, 87-1-269, 87-2-505, 87-2-510, 87-2-511, and 87-2-512, MCA.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Votes:	House 56-43; Senate 14-33
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Third Reading Vote:	House 53-46
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Senate second reading indefinitely postponed.  
Died in process.

☛ HB 388 George Golie

*Revise Information Needed on Hunting or Fishing License Application - Driver's License Number*

An act providing that an applicant for a hunting or fishing license may provide the applicant's driver's license number or other identifying number, rather than the applicant's social security number, if the Department of Public Health and Human Services receives a federal exemption allowing the use of identifying numbers other than social security numbers by license applicants; providing a penalty for purposely or knowingly disclosing a social security number; reducing the time that a record of the social security number may be retained; and providing effective dates.

Amending sections 87-2-106 and 87-2-202, MCA.

Committee Hearing:	House Fish, Wildlife and Parks
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Tabled in House committee.

☛ HB 398 Gail Gutsche

*Fisheries Enhancement Emphasis for Native Species of Special Concern*

An act emphasizing the improvement of fisheries of Montana's native fish species



of special concern under the Future Fisheries Improvement Program.

Amending section 87-1-272, MCA.

Committee Hearing:

House Fish, Wildlife and Parks

Tabled in House committee.

¶HB 480 Steve Gallus

*Moratorium on Fishing Outfitter Licenses*

An act creating a moratorium on the issuance of new fishing outfitter licenses; and providing an immediate effective date, an applicability date, and a termination date.

Committee Hearing:

House Fish, Wildlife and Parks

Tabled in House committee.

¶HB 481 Steve Gallus

*Prohibit Operation Plan Changes on Certain Rivers*

An act prohibiting the Board of Outfitters from approving amendments to or changes in the operational plan of an outfitter to include operations on the Big Hole and Beaverhead Rivers; exempting amendments or changes to an operational plan that already includes those rivers in the operational plan; and providing an immediate effective date and a termination date.

Committee Hearing:

House Fish, Wildlife and Parks

Tabled in House committee.

¶HB 487 Dick Haines

*Lottery Drawing for Certain Big Game Licenses*

An act providing a lottery-style system to award successful participants the right to



purchase a big game hunting license; requiring that the Fish, Wildlife, and Parks Commission determine the number, kind, and use of licenses available through the lottery, based on game management practices; requiring that big game lottery revenue be used to improve and maintain county roads used for hunting, fishing, and recreation; creating an account for deposit of big game lottery revenue and directing the Department of Fish, Wildlife, and Parks to expend the revenue to reimburse counties that perform road maintenance and improvements on the affected roads; providing that participation in the big game lottery is a legal form of gambling; and providing a delayed effective date and a termination date.

Committee Hearing: House Fish, Wildlife and Parks

Tabled in House committee.

☛ HB 520 Paul Clark

*Student Hunter Safety Education or Hunting Activity Release Time Program*

An act authorizing the trustees of a school district to provide a student hunter safety education or hunting activity release time program; providing for up to 3 days of release time for each student for the purpose of participating in a hunter safety education program or participating in a hunting activity with the permission of a parent or guardian and when accompanied by an adult licensed to hunt; and providing an immediate effective date.

Committee Hearing: House Fish, Wildlife and Parks

Missed deadline for general bill transmittal.

☛ HB 538 Paul Clark

*Require Hunter Safety Course for First Time License*

An act requiring proof of prior licensure or successful completion of a hunter safety and education course for a first-time applicant for a Montana hunting license; and providing a delayed effective date.

Amending section 87-2-105, MCA.

Committee Hearing: House Fish, Wildlife and Parks.

Tabled in House committee.

☛ HB 556 John Esp

*Livestock Damage Indemnification and Compensation Program—Predation*

An act creating a livestock damage indemnification and compensation program to provide money to cover the cost of claims made by livestock owners for losses incurred because of grizzly bear or wolf predation; providing that Conservation Districts establish procedures for investigating damage claims and deciding whether compensation is warranted; creating an account to be used by the Department of Livestock to provide compensation to indemnify affected livestock owners, based on the recommendation of the Conservation District Board of Supervisors; statutorily appropriating an amount from the livestock per capita tax levy to fund the livestock loss indemnification and compensation program for grizzly bear and wolf predation; providing that state funds provided to a livestock owner for livestock losses be offset by any compensation received by the livestock owner from public or private organizations; and providing an effective date.

Amending sections 15-24-921 and 17-7-502, MCA.

Committee Hearing:

House Agriculture

Tabled in House committee.

☛ HB 634 Monica Lindeen

*Appropriate Money for Fish Ladder at Cartersville Diversion*

An act appropriating money to the Department of Fish, Wildlife, and Parks for a fish passage device at the Cartersville diversion on the Yellowstone River; and providing an effective date and a termination date.

Committee Hearing:

House Fish, Wildlife and Parks

Tabled in House committee.

☛ HJ 43 Paul Clark

*Study Designation and Distribution of Hunting Licenses*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that a study be conducted to ascertain the status of the designation and distribution of hunting licenses, as well as options for improving the relationships between landowners and sportspersons, and that the results of the study be reported to the Legislature.

Committee Hearing: House Fish, Wildlife and Parks

Second Reading Vote: House 48-52

☛ SB 95 Al Bishop

*Revise Criminal Trespass Laws - Repeal Permission to Hunt Requirement*

An act repealing the requirement that a person obtain a landowner's permission before hunting on private property; and providing an effective date.

Repealing section 87-3-304, MCA.

Committee Hearing: Senate Agriculture, Livestock and Irrigation

Tabled in Senate committee.

☛ SB 186 John Cobb

*Clarify Terms of Resident Temporary Fishing License*

An act clarifying the terms, conditions, and price of the class A-8 resident temporary fishing license; and providing a delayed effective date.

Amending section 87-2-308, MCA.

Committee Hearings: Senate Fish and Game

Tabled in Senate committee.

¶SB 291 Linda Nelson

*Compensation for Landowners Suffering Wild Game Damage*

An act allowing the Department of Fish, Wildlife, and Parks to provide monetary compensation to affected landowners for winter game damages to the landowner's property; requiring the department to adopt rules for a system of criteria for evaluating game damages and the distribution of monetary compensation for winter game damages; and providing an immediate effective date and a retroactive applicability date.

Amending section 87-1-225, MCA.

Committee Hearing:

Senate Fish and Game

Missed deadline for general bill transmittal.

¶SB 295 Don Hargrove

*Disallow Expenditure of State Resources in Poisoning Cherry Creek*

An act disallowing the further expenditure of state money for the poisoning of Cherry Creek and the reintroduction of native fish species into the creek; and providing an immediate effective date.

Committee Hearing:

Senate Fish and Game

Missed deadline for general bill transmittal.

¶SB 301 Bill Tash

*Address Recreational Use of Rivers and Streams - Fishing Outfitter Moratorium*

An act implementing a moratorium on the issuance of new fishing outfitter licenses; and providing an immediate effective date, an applicability date, and a termination date.

Committee Hearing:

Senate Fish and Game

Missed deadline for revenue bill transmittal.

*Rural Development through Quality Block Management*

An act providing rural development through quality block management; providing that a resident landowner who is not participating in other state programs for hunter management or hunting access enhancement may be granted certain nonresident hunting licenses at 25 percent of value for use by qualified nonresident hunters in exchange for guaranteeing resident hunters access to the landowner's property; creating the class B-12 nonresident antelope combination license and setting the terms and conditions of the license; annually setting aside 1,200 class B-1 nonresident upland game bird licenses, 1,200 class B-10 nonresident big game combination licenses, and 1,200 class B-12 nonresident antelope combination licenses for landowner use; providing that up to 1,000 class B-7 nonresident deer licenses that are separated from class B-10 nonresident big game combination licenses be set aside for landowner use; and providing a delayed effective date.

Amending sections 87-2-402, 87-2-505, 87-2-511, and 87-2-512, MCA.

Committee Hearing: Senate Fish and Game

Tabled in Senate committee.

# Forestry

Passed

♣HB 17 Dick Haines

## *Supplemental Appropriation for DNRC Fire Costs*

An act appropriating money to the Department of Natural Resources and Conservation for fire suppression costs for the biennium ending June 30, 2001; and providing an immediate effective date.

Committee Hearings:	House Appropriations Senate Finance and Claims
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Second Reading Votes:	House 99-1; Senate 48-0
Third Reading Votes:	House 97-0; Senate 48-0

♣HB 44 Dick Haines

## *Eliminate Licensing Procedures for Portable Sawmill*

An act eliminating licensing procedures for portable sawmills on forest lands; and providing an immediate effective date.

Repealing sections 76-13-501, 76-13-502, 76-13-503, 76-13-504, 76-13-505, 76-13-506, and 76-13-507, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 99-0; Senate 50-0
Third Reading Votes:	House 97-0; Senate 50-0

Senate amended, House concurred, 100-0.

HB 599 Dick Haines

*Revise Minimum Slash Hazard*

An act defining "minimum slash hazard"; providing an exemption from the fire hazard reduction agreement and bond unless the person claiming to have created a minimum slash hazard fails to comply with the provisions relating to minimum slash hazards.

Amending sections 76-13-401, 76-13-408, and 76-13-410, MCA.

Committee Hearings:	House Agriculture Senate Natural Resources
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Second Reading Votes:	House 100-0; Senate 47-0
Third Reading Votes:	House 100-0; Senate 48-0

HJ 19 Aubyn Curtiss

*Urge Support for Multiple Use of National Forests; Oppose Roadless Initiative*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana supporting the multiple use of national forests and public lands and supporting the efforts of citizens who are pursuing legal remedy to overturn the federal roadless initiative.

Committee Hearings:	House Federal Relations, Energy, and Telecommunications Senate Natural Resources
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Second Reading Votes:	House 69-31; Senate 28-20
Third Reading Votes:	House 69-31; Senate 30-20

Senate amended, House concurred, 63-36.

HJ 21 Rick Laible

*Request Study on Issues of Balancing Forest Fuels Management and Air Quality*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting a collaborative process study to address issues regarding the



need to balance the necessary management of forest fuels with the air quality concerns resulting from prescribed wildland open burning and to provide solutions to the 58<sup>th</sup> Legislature.

Committee Hearings:	House Agriculture Senate Natural Resources
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Second Reading Votes:	House 95-5; Senate 49-0
Third Reading Votes:	House 88-12; Senate 48-0

♣ HJ 22 Aubyn Curtiss

*Urge Commitment to Original Forest Service Mandate*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the reduction of an overabundance of forest fuels.

Committee Hearings:	House Federal Relations, Energy, and Telecommunications Senate Energy and Telecommunications
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Second Reading Votes:	House 87-13; Senate 36-0
Third Reading Votes:	House 78-22; Senate 48-1

♣ HJ 25 Dick Haines

*Urge Salvage of Burned Timber*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the development of a timber salvage and forest restoration program.

Committee Hearings:	House Agriculture Senate Agriculture, Livestock and Irrigation
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Second Reading Votes:	House 100-0; Senate 47-0
Third Reading Votes:	House 98-1; Senate 48-0

🐾 HJ 42 Christine Kaufmann

*Study Alternatives for Funding Fire Suppression*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that the Legislative Council designate an appropriate interim committee or direct sufficient staff resources to study alternatives for funding the Department of Natural Resources and Conservation's overall fire management program, including the costs related to wildfire suppression.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 77-22; Senate 50-0
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Third Reading Votes:	House 74-26; Senate 45-5
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Senate amended, House concurred, 74-16.

🐾 SB 354 Bill Crismore

*Full Compensation for School Trust for Natural Areas*

An act prohibiting the state Board of Land Commissioners and the Department of Natural Resources and Conservation from designating, treating, or disposing of any interest in or to any state trust lands for preservation purposes prior to obtaining the full market value of the foregone uses; and providing an immediate effective date.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 34-15; House 57-43
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Third Reading Votes:	Senate 34-16; House 55-44
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Failed

☛ HB 259 Doug Mood

*Create Forest Stewardship Program*

An act establishing a Forest Stewardship Program; providing definitions; authorizing forest stewardship education for nonindustrial private forest landowners; providing for an advisory council; authorizing the development of rules by MSU-Bozeman Extension Forestry; requiring the reporting of results; establishing a financial incentive for participation in the program; and providing an immediate effective date.

Committee Hearing:

House Natural Resources

Missed deadline for general bill transmittal.

☛ HB 260 Doug Mood

*Increase Fire Hazard Reduction Agreement Fees*

An act increasing fire hazard reduction agreement fees for the benefit of the forestry extension service account; and providing an effective date.

Amending section 76-13-414, MCA.

Committee Hearing:

House Natural Resources

Missed deadline for general bill transmittal.

☛ HB 568 Joey Jayne

*Tree Planting on School Trust Land*

An act requiring that timber sold or cut from state lands be cut and removed under rules adopted by the Board of Land Commissioners; and requiring that the rules provide for replanting after a timber harvest is conducted that removes at least 50 percent of the tree canopy.

Amending section 77-5-204, MCA.

Committee Hearing:

House State Administration

Tabled in House committee.

☛ HB 576 Joey Jayne

*State Land Timber Sale Costs and Revenue Accounted for on Sale Basis*

An act requiring that state land timber sale costs and revenue be accounted for and reported on a timber sale basis; providing for the reporting and auditing of information; and providing an effective date.

Committee Hearing:

House State Administration

Tabled in House committee.

☛ HB 648 Christine Kaufmann

*Trust Fund for Fire Suppression and Land Use Planning*

An act establishing a property tax on structures that are within a wildland-urban interface area and at risk from wildland fire destruction; providing that the proceeds of the tax be used for wildland fire suppression and county land use planning; establishing the criteria for designating certain improvements as subject to the property tax; providing for the administration of the tax proceeds; increasing the forest fire district fee and per-acre assessment; and providing an applicability date.

Amending section 76-13-201, MCA.

Committee Hearing:

House Taxation

Tabled in House committee.

☛ HJ 28 Rick Laible

*Wildland-Residential Interface Management Plan*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana encouraging county planners or their equivalent to develop consensus

potential legislation for introduction in the 58<sup>th</sup> Legislature that addresses the need for counties to identify wildland-residential interface areas and to adopt ordinances to address these areas; and encouraging federal land management agencies to manage vegetation on land under their jurisdiction to reduce the risk of stand-replacing fires.

Committee Hearing:

House Business and Labor

Tabled in House committee.

# Land Use

## - Eminent Domain -

Passed

HB 22 Monica Lindeen

*Clarify that Easement is Preferred Interest Taken in Eminent Domain*

An act clarifying that an easement is the preferred interest to be taken in a condemnation proceeding unless the parties agree that a greater interest should be taken or the condemnor shows by a preponderance of the evidence that taking a greater interest is necessary; providing an exemption for state highway purposes; and providing an immediate effective date.

Amending sections 60-4-102, 70-30-104, and 70-30-206, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 99-1; Senate 50-0
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Third Reading Votes:	House 98-1; Senate 50-0
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HB 93 Kim Gillan

*Include Damage Reduction Measures in Eminent Domain Proceedings*

An act allowing the condemnee and condemnor in a condemnation action the opportunity to provide a statement of appropriate damage reduction measures; and requiring that the condemnation commissioners determine the appropriate payment for damages after examining the property; allowing for the inclusion of appropriate payment for damages in the final condemnation order.

Amending sections 70-30-110, 70-30-203, 70-30-301, and 70-30-309, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 97-2; Senate 50-0
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Third Reading Votes:	House 98-2; Senate 50-0
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♣SB 6 Mack Cole

*Limit Landowner Liability for Condemned Property*

An act limiting the liability of a property owner whose property is taken by eminent domain to instances of negligence or intentional conduct; providing for indemnification for costs and attorney fees for a property owner who is made a party to an action but is not found liable for damages; and providing an immediate effective date.

Amending section 75-10-715, MCA.

Committee Hearings:

Senate Judiciary

House Natural Resources

Second Reading Votes:

Senate 50-0; House 99-1

Third Reading Votes:

Senate 49-0; House 99-0

♣SB 7 Mack Cole

*Clarify Eminent Domain Laws*

An act revising the laws relating to eminent domain for the sole purpose of modernizing the language, including references to the procedure to be followed in eminent domain actions, and specifically enumerating the public uses for which the power of eminent domain may be exercised.

Amending sections 7-1-4124, 7-5-4106, 7-7-4404, 7-13-2218, 7-13-4404, 7-13-4405, 7-13-4406, 7-14-101, 7-14-1625, 7-14-2101, 7-14-2108, 7-14-2123, 7-14-2621, 7-14-2803, 7-14-2829, 7-14-4501, 7-14-4622, 7-14-4626, 7-14-4801, 7-15-4204, 7-15-4258, 7-15-4259, 7-15-4460, 7-15-4462, 7-16-2105, 7-16-4106, 7-35-2201, 15-70-301, 15-70-701, 23-1-102, 35-18-106, 35-20-104, 53-2-201, 60-1-103, 60-5-104, 67-2-301, 67-5-202, 67-6-301, 67-10-102, 67-10-103, 67-10-201, 67-10-205, 67-10-221, 67-11-201, 67-11-204, 67-11-231, 67-11-401, 69-13-104, 69-14-513, 69-14-536, 69-14-552, 70-30-102, 70-30-103, 70-30-104, 70-30-105, 70-30-106, 70-30-107, 70-30-108, 70-30-109, 70-30-110, 70-30-111, 70-30-202, 70-30-203, 70-30-206, 70-30-207, 70-30-301, 70-30-302, 70-30-303, 70-30-304, 70-30-305, 70-30-306, 70-30-307, 70-30-308, 70-30-309, 70-30-310, 70-30-311, 70-30-312, 70-30-314, 70-30-315, 70-30-321, 70-30-322, 70-31-102, 70-31-104, 70-31-105, 70-31-301, 70-31-311, 70-32-216, 75-10-715, 75-10-720, 75-15-123, 75-15-223, 76-5-1108, 76-5-1111, 76-6-105, 76-12-108, 76-12-110, 82-2-221, 82-2-222, 82-2-224, 82-10-303, 82-10-304, 82-10-305, 85-1-204,



85-1-209, 85-7-1411, 85-7-1904, 85-7-1932, 85-9-410, and 87-1-209, MCA.

Committee Hearings:	Senate Judiciary House Natural Resources
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Second Reading Votes:	Senate 50-0; House 100-0
Third Reading Votes:	Senate 49-0; House 100-0

Failed

☛HB 420 Jim Shockley

*Notification of Rights in Eminent Domain Action*

An act requiring that a condemnor in an eminent domain action provide the condemnee with a statement of the condemnee's rights in an eminent domain action; requiring that the condemnor show by a preponderance of the evidence that the condemnor informed the condemnee of the condemnee's rights through an eminent domain statement of rights; and providing an applicability date.

Amending section 70-30-111, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Vote:	House 86-13
Third Reading Vote:	House 93-7

Tabled in Senate committee.

☛HB 421 Jim Shockley

*Condemned Property Only Used for Purpose in Final Condemnation Order*

An act clarifying that property acquired by condemnation may not be used by the condemnor for any purpose that is not specified in the condemnation order; stating that an evolved technology is not considered a new or different use; and providing an applicability date.

Amending section 70-30-309, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
Second Reading Vote:	House 96-2
Third Reading Vote:	House 97-1

Tabled in Senate committee.  
Motion failed to take from committee and place on Senate second reading.

## - Parks and Recreation -

Passed

☛ HB 132 John Brueggeman

*Revise Laws on Motorboat Fee in Lieu of Tax*

An act revising certain statutes related to the allocation and disposition of the fee in lieu of tax on motorboats and related to the Boating Advisory Council; extending the termination date applicable to the allocation and disposition of a percentage of the fee in lieu of tax on motorboats for boating facilities; extending the termination date for the Boating Advisory Council; extending the termination date applicable to the change in the penalty for failure to pay the boat fee in lieu of tax; extending the termination date applicable to state-funded and state-certified county boating safety programs; authorizing the use of boat fees to benefit public boating facilities; removing a provision that limits disbursement of collected fees to the region in which the payor's boating activities occur; and providing an effective date.

Amending section 23-2-533, MCA, section 6, chapter 511, Laws of 1993, and sections 9 and 10, chapter 476, Laws of 1995.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
Second Reading Votes:	House 84-16; Senate 42-0
Third Reading Votes:	House 85-15; Senate 47-1

Senate amended, House concurred, 92-7.

🏠 HJ 10 Steve Vick

*Encourage Continued Snowmobile Use in Yellowstone Park*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the National Park Service to withdraw its decision to implement a winter use plan that would eliminate snowmobile use in Yellowstone National Park and to substitute a plan that ensures the opportunity for future self-directed snowmobile access to Yellowstone National Park; and urging Congress to provide adequate funding to the National Park Service to provide adequate personnel to ensure health and safety.

Committee Hearings:	House Federal Relations, Energy, and Telecommunications Senate Natural Resources
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Second Reading Votes:	House 80-19; Senate 28-12
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Third Reading Votes:	House 80-19; Senate 34-16
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Senate amended, House concurred, 82-18.

🏠 HJ 18 Dave Lewis

*Urge Congressional Support for Lewis and Clark Bicentennial*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana recognizing the 200th anniversary of the Lewis and Clark expedition and urging national recognition and support by Congress and the President.

Committee Hearings:	House Federal Relations, Energy, and Telecommunications Senate State Administration
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Second Reading Votes:	House 99-0; Senate 44-0
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Third Reading Votes:	House 95-4; Senate 49-0
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🏠 SB 80 Dale Mahlum

*Revise Heritage Preservation Commission Laws*

An act clarifying the management responsibilities of the Montana Heritage

Preservation and Development Commission; adding three members to the Commission; allowing for the hiring of additional Commission staff; allowing the Commission to conduct building preservation, stabilization, or maintenance costing over \$200,000 without legislative consent under certain circumstances; and providing that interest on money in the Montana Heritage Preservation and Development Account be deposited in the state special revenue fund to the credit of the Commission.

Amending sections 22-3-1001, 22-3-1002, 22-3-1003, and 22-3-1004, MCA.

Committee Hearings:	Senate Business and Labor House Business and Labor
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Second Reading Votes:	Senate 37-12; House 89-11
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Third Reading Votes:	Senate 36-8; House 80-19
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Governor amended: Senate concurred 47-0, House concurred 97-3.

♣SB 103 Tom Zook

*Deposit State Lands Recreational Use Fines and Penalties in General Fund*

An act requiring all revenue received from the imposition of fines and civil penalties under the recreational use of state lands statutes to be deposited in the state general fund; and providing an immediate effective date.

Amending section 77-1-808, MCA.

Committee Hearings:	Senate Finance and Claims House Natural Resources
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Second Reading Votes:	Senate 48-0; House 100-0
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Third Reading Votes:	Senate 47-0; House 98-2
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♣SB 105 Dale Mahlum

*Enterprise Fund for State Park Visitor Services*

An act establishing an enterprise fund to manage state park visitor services revenue; and providing an immediate effective date.

Amending sections 23-1-105 and 61-3-512, MCA.

Committee Hearings:	Senate Fish and Game House Fish, Wildlife and Parks
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Second Reading Votes:	Senate 47-0; House 97-3
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Third Reading Votes:	Senate 48-1; House 93-6
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⚡ SB 263 Dale Mahlum

*Continue Bed Tax Funding for Heritage Preservation and Development Program*

An act continuing the funding of the Heritage Preservation and Development Program from the lodging facility use tax; and providing an immediate effective date.

Amending section 15-65-121, MCA.

Committee Hearings:	Senate Business and Labor House Taxation
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Second Reading Votes:	Senate 40-7; House 94-6
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Third Reading Votes:	Senate 44-6; House 94-6
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House amended, Senate concurred, 48-1.

⚡ SB 268 Don Hargrove

*Resort Area Districts to Receive Lodging Facility Use Tax Income*

An act allowing a nonprofit convention and visitors bureau located in a resort area or resort area district to receive a portion of lodging facility use tax funds in the same manner that a nonprofit convention and visitors bureau located in a city or consolidated city-county may receive funds; and providing an immediate effective date.

Amending sections 15-65-101, 15-65-121, and 15-65-122, MCA.

Committee Hearings:	Senate Taxation House Business and Labor
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Second Reading Votes:

Senate 50-0; House 94-5

Third Reading Votes:

Senate 48-2; House 91-9

⚡SB 286 Emily Stonington

*Prepare Headwaters State Park for Lewis and Clark Bicentennial*

An act allowing certain modifications at the entrance to Headwaters State Park in anticipation of the Lewis and Clark Bicentennial; and providing an immediate effective date and a termination date.

Amending section 23-1-117, MCA.

Committee Hearings:

Senate Fish and Game

House Fish, Wildlife and Parks

Second Reading Votes:

Senate 50-0; House 100-0

Third Reading Votes:

Senate 50-0; House 98-0

Failed

⚡HB 16 Roger Somerville

*Increase Accommodations Tax for Heritage Tourism Projects*

An act authorizing the Board of Investments to make heritage tourism loans to entities as authorized by the Legislature; creating a Heritage Tourism Oversight Committee; increasing the accommodation tax by 1 percent and dedicating the new accommodation tax revenue to repay the authorized loans and to support heritage tourism; providing a refundable individual Montana income tax credit for the accommodation tax increase; providing that the proposed act be submitted to the qualified electors of Montana; and providing an effective date and an applicability date.

Amending sections 15-65-111 and 15-65-121, MCA.

Committee Hearings:

House Taxation

House Appropriations

Tabled in House Appropriations.

Motion failed to take from committee and place on House second reading.

☛ HB 82 Dan Fuchs

*Eliminate State Land Recreational Use Fees for Residents*

An act providing that the requirement for a recreational use license for the use of state lands for general recreational purposes does not apply to Montana residents; and providing a delayed effective date.

Amending section 77-1-801, MCA.

Committee Hearing:

House Natural Resources

Tabled in House committee.

☛ HB 228 Dan Fuchs

*Limit Nonresident Fishing on Certain Streams*

An act creating nonresident trophy trout water angling permits that would be required of a nonresident who wishes to fish in waters for which a recreational use management plan has been adopted by the Fish, Wildlife, and Parks Commission; setting the terms and conditions of nonresident trophy trout water angling permits and requiring that the permits be offered through a drawing; allowing the Fish, Wildlife, and Parks Commission to regulate the number of nonresident trophy trout water angling permits that may be issued in any license year and to limit nonresident angling use during all or part of a license year; and providing a delayed effective date.

Committee Hearings:

House Fish, Wildlife and Parks

Tabled in House committee.

☛ SB 246 Dale Mahlum

*Trust Fund to Fund Heritage Preservation and Development*

An act creating the Heritage Preservation and Development Trust Fund; providing for a fund transfer from the State General Fund to the trust fund; providing for the deposit of the interest and earnings on the trust fund in the heritage preservation



and development account; and providing an immediate effective date and a termination date.

Committee Hearing: Senate Finance and Claims

Tabled in Senate committee.

¶ SB 492 Mike Sprague

*Increase Boat Identification and Number Fee*

An act increasing the boat identification number application fee from \$2.50 to \$5; and providing an effective date.

Amending section 23-2-512, MCA.

Committee Hearings: Senate Taxation  
House Fish, Wildlife and Parks

Second Reading Vote: Senate 36-13

Third Reading Vote: Senate 36-12

Died in House committee.

¶ SB 497 Sam Kitzenberg

*Fund Educational State Park Near Fort Peck*

An act creating the educational state park near Fort Peck; directing that \$5.5 million from the coal tax trust fund for parks acquisition and management be used by the Department of Fish, Wildlife, and Parks to provide grant funding for construction of the Fort Peck cultural learning center adjacent to the Fort Peck Dam Interpretive Center and Museum and an I-max theater as part of the educational state park; establishing the trust fund as an expendable trust fund; and providing an effective date.

Amending section 15-35-108, MCA.

Committee Hearings: Senate Finance and Claims

Tabled in Senate committee.  
Motion failed to take from committee and place on Senate second reading.

**- State and Public Lands -**

Passed

HB 17 Dick Haines

*Supplemental Appropriation for DNRC Fire Costs*

An act appropriating money to the Department of Natural Resources and Conservation for fire suppression costs for the biennium ending June 30, 2001; and providing an immediate effective date.

Committee Hearings:	House Appropriations Senate Finance and Claims
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Second Reading Votes:	House 99-1; Senate 48-0
Third Reading Votes:	House 97-0; Senate 48-0

HB 36 Dave Gallik

*Revise Cabin Site Lease Valuation Appeal*

An act providing that the appeal process for challenging the value of a cabin site located on state land must begin with the county tax appeal board, which may, if necessary, be followed by an appeal to the state tax appeal board; and providing an immediate effective date.

Amending section 77-1-208, MCA.

Committee Hearings:	House Taxation Senate Taxation
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Second Reading Votes:	House 100-0; Senate 47-0
Third Reading Votes:	House 99-0; Senate 45-0

HB 44 Dick Haines

*Eliminate Licensing Procedures for Portable Sawmill*

An act eliminating licensing procedures for portable sawmills on forest lands; and providing an immediate effective date.

Repealing sections 76-13-501, 76-13-502, 76-13-503, 76-13-504, 76-13-505, 76-13-506, and 76-13-507, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 99-0; Senate 50-0
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Third Reading Votes:	House 97-0; Senate 50-0
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Senate amended, House concurred, 100-0.

HB 166 Michelle Lee

*Allow Conveyance of Wetland Mitigation Site with Perpetual Conservation Covenant*

An act allowing certain land to be conveyed by the Department of Transportation with a perpetual conservation easement; restricting who may own the conservation easement; and providing special restrictions for wetland mitigation sites.

Amending section 60-4-207, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 90-10; Senate 48-2
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Third Reading Votes:	House 90-8; Senate 44-2
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Senate amended, House concurred, 75-25.

HB 320 Rick Laible

*Clarify Written Undertaking Requirements for Civil Action Against Land Board*

An act clarifying that a civil action against the Board of Land Commissioners or the Department of Natural Resources and Conservation concerning the use or disposition of state lands requires a written undertaking; and providing an immediate effective date.

Amending section 77-1-110, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 65-34; Senate 37-9
Third Reading Votes:	House 67-32; Senate 39-9

Senate amended, House concurred, 69-30.

HR 2 John Witt

*Urge Rejection of Monument Designation for Breaks*

A Resolution of the House of Representatives of the State of Montana opposing any new designation for the Missouri River or the Missouri River Breaks.

Committee Hearings:	House Federal Relations, Energy, and Telecommunications
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Second Reading Vote:	House 65-34
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SB 31 Dale Berry

*Revise State Trust Land Laws*

An act generally revising the laws governing state trust land; authorizing the use of historic right-of-way easements for existing utilities; extending the deadline for filing an application for a historic right-of-way deed; clarifying that full fair market value must be obtained for the use of school trust lands; extending the effective period for historic right-of-way deeds and easements; and providing an immediate effective date.

Amending sections 77-1-130, 77-1-208, 77-2-206, 77-2-325, and 77-6-302, MCA, and section 5, chapter 461, Laws of 1997; and repealing sections 77-5-211, 77-6-304, and 77-6-305, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0; House 90-10
Third Reading Votes:	Senate 49-0; House 85-15

♣SB 75 Greg Jergeson

*Clarify State Land Lease Due Date*

An act providing a uniform method for determining the date of delivery of documents and payments to the state for uses of state lands; and providing an immediate effective date.

Committee Hearings:	Senate State Administration House State Administration
Second Reading Votes:	Senate 50-0; House 91-8
Third Reading Votes:	Senate 49-0; House 94-6

♣SB 102 Mack Cole

*Authorize Trust Land Exchanges with State and Local Governments*

An act authorizing the exchange of state trust lands for state government and local government lands; and providing an immediate effective date.

Amending sections 77-2-203 and 77-2-205, MCA; repealing section 77-2-202, MCA.

Committee Hearings:	Senate Local Government House Natural Resources
Second Reading Votes:	Senate 44-0; House 95-4
Third Reading Votes:	Senate 50-0; House 96-3

House amended, Senate concurred, 47-1.

♣SB 152 Dale Mahlum

*Revise Laws for Disposition of Excess Department of Transportation Land*

An act revising the laws relating to the disposition of excess lands by the Department of Transportation; eliminating the provision that an original owner may require the department to sell the land instead of exchanging it; requiring the department to offer to sell to adjacent landowners land proposed for exchange; raising the minimum value at which the department must offer the land for sale; allowing the department to sell land to another governmental entity without a public auction; and raising the minimum value at which a reappraisal must be done to determine fair market value.

Amending sections 60-4-201, 60-4-202, and 60-4-203, MCA.

Committee Hearings:	Senate Highways and Transportation House Transportation
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Second Reading Votes:	Senate 47-0; House 96-2
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Third Reading Votes:	Senate 49-0; House 98-2
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Senate amended, House concurred, 48-0.

♣SB 159 Lorents Grosfield

*Revise Laws Governing State Land Easements*

An act authorizing the Board of Land Commissioners to grant easements for specific uses in state lands; and providing an immediate effective date.

Amending section 77-2-101, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 48-1; House 100-0
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Third Reading Votes:	Senate 46-2; House 99-1
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House amended, Senate concurred, 46-1.

🐾 SB 197 Jon Tester

*Protection for Wild Plant Resources - Wildcraft Permission*

An act requiring a person who wildcrafts to obtain written permission or a permit prior to wildcrafting; providing exemptions to the requirement of written permission or a permit; describing the requirements for a buyer of wildcrafted plant material; providing a restriction on the liability of a landowner that allows wildcrafting on the landowner's property; establishing violations; providing penalties; and providing an immediate effective date.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture
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Second Reading Votes:	Senate 46-4; House 86-13
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Third Reading Votes:	Senate 45-5; House 81-19
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House amended, Senate concurred, 46-2.

🐾 SB 354 Bill Crismore

*Full Compensation for School Trust for Natural Areas*

An act prohibiting the state Board of Land Commissioners and the Department of Natural Resources and Conservation from designating, treating, or disposing of any interest in or to any state trust lands for preservation purposes prior to obtaining the full market value of the foregone uses; and providing an immediate effective date.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 34-15; House 57-43
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Third Reading Votes:	Senate 34-16; House 55-44
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🐾 SB 376 Bob DePratu

*Exemption from Environmental Review for Certain Actions Related to State Lands*

An act exempting certain actions of the Department of Natural Resources and



Conservation and the Board of Land Commissioners from environmental review requirements; and providing an immediate effective date and a retroactive applicability date.

Amending section 77-1-121, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 43-7; House 58-42
Third Reading Votes:	Senate 40-10; House 60-40

♣SB 495 Fred Thomas

*Revise State Land Laws to Increase Funding for Trust*

An act revising school funding through the use of the public school fund; revising the structure of the public school fund; authorizing the Board of Investments to purchase the mineral production rights held by the public school fund; providing that a portion of royalty payments on the purchased mineral production rights must be deposited in the guarantee account; loaning money from the coal severance tax permanent fund to the Department of Natural Resources and Conservation for the purchase of the mineral production rights; appropriating the loan proceeds; requiring repayment of the expended amounts from mineral royalty proceeds; deleting the prohibition on public fund investment in corporate stock contingent on the passage of the constitutional amendment allowing investment in corporate stock; and providing effective dates.

Amending sections 17-6-201, 77-2-303, and 77-2-304, MCA.

Committee Hearings:	Senate Taxation House Education
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Second Reading Votes:	Senate 44-3; House 84-16
Third Reading Votes:	Senate 43-4; House 84-16

House amended, Senate concurred, 48-2.

♣SJ 13 William Crismore

*Urge Reciprocity on State Timber Sales*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging reciprocity between Idaho and Montana on bidding procedures for state timber sales.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 50-0; House 83-17
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Third Reading Votes:	Senate 50-0; House 81-19
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♣SR 2 Edward Butcher

*Urge Opposition of the Missouri River Breaks*

A Resolution of the Senate of the State of Montana opposing any new designation for the Missouri River or the Missouri River Breaks.

Committee Hearing:	Senate Fish and Game
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Second Reading Vote:	Senate 38-11
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Third Reading Vote:	Senate 38-12
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Failed

♣HB 135 Stan Fisher

*Provide an Inventory of Surplus State Lands and Improvements*

An act providing for an inventory of surplus state lands and improvements; and providing an effective date.

Committee Hearings:	House Natural Resources
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Missed deadline for general bill transmittal.

☛ HB 253 Bob Davies

*Direct Attorney General to Sue Federal Government Over Land Ownership*

An act requiring the Attorney General to bring an action against the United States to require the United States to transfer title to the State of Montana of all federally owned land in Montana that is not subject to the restrictions of Article I, section 8, of the United States Constitution; and providing an immediate effective date.

Committee Hearings: House Natural Resources

Tabled in House committee.

☛ HB 280 Don Hedges

*Reduced-Cost Easements for Infrastructure Improvements on State Land*

An act providing for the granting of reduced-cost easements for infrastructure improvements on state lands.

Amending section 77-2-106, MCA.

Committee Hearings: House Agriculture

Tabled in House committee.

☛ HB 285 Rod Bitney

*Revise Laws on Utility Use of Public Right-of-Way*

An act defining which fees may be recovered from a utility occupying a public right-of-way; requiring that disputes regarding utility use of or access to a public right-of-way must be settled through arbitration if both parties agree to arbitration in a written agreement; describing the method for selection of the arbitrator or arbitrators;; and providing an immediate effective date.

Amending section 7-1-111, MCA.

Committee Hearings: House Local Government

Tabled in House committee.

☛ HB 568 Joey Jayne

*Tree Planting on School Trust Land*

An act requiring that timber sold or cut from state lands be cut and removed under rules adopted by the Board of Land Commissioners; and requiring that the rules provide for replanting after a timber harvest is conducted that removes at least 50 percent of the tree canopy.

Amending section 77-5-204, MCA.

Committee Hearing: House State Administration

Tabled in House committee.

☛ HB 576 Joey Jayne

*State Land Timber Sale Costs and Revenue Accounted for on Sale Basis*

An act requiring that state land timber sale costs and revenue be accounted for and reported on a timber sale basis; providing for the reporting and auditing of information; and providing an effective date.

Committee Hearing: House State Administration

Tabled in House committee.

☛ SB 15 Al Bishop

*Revise Law Governing Trespass on Land Adjoining Public Land*

An act revising the law relating to criminal trespass to property; revising the definition of "enter or remain unlawfully"; providing that unless private lands that abut public lands are clearly marked as private, entry onto the private lands is not criminal trespass; and providing that unless private lands that abut a public road are fenced or otherwise enclosed, entry onto the private lands is not criminal trespass.

Amending sections 45-6-201 and 77-1-806, MCA.

Committee Hearing:

Senate Agriculture, Livestock and  
Irrigation

Tabled in Senate committee.

🦋SB 409 Sam Kitzenberg

*Create New State Parks*

An act creating three state parks in Region 6; designating the sites, scope, and purposes of the state parks; and requiring the Department of Fish, Wildlife, and Parks to provide maintenance of the parks.

Committee Hearings:

Senate Fish and Game

Tabled in Senate committee.

## **- Takings/Private Property Rights -**

See also Eminent Domain

Passed

🦋HB 454 Paul Clark

*Allow Issuance of Landowner Either-Sex Elk Permits*

An act encouraging additional free public hunting on private land by allowing the issuance of an either-sex elk permit to certain landowners who make their private property available to the public for free hunting throughout the hunting season; setting the terms and conditions of the landowner either-sex elk permit; and providing an immediate effective date and a termination date.

Committee Hearings:

House Fish, Wildlife and Parks  
Senate fish and Game

Second Reading Votes:

House 100-0; Senate 43-0

Third Reading Votes:

House 96-2; Senate 48-0

Senate amended, House concurred, 94-6.

Failed

☛ HB 327 Butch Waddill

*Guaranteeing Access to Property Blocked by Other Property*

An act revising the laws relating to private condemnation proceedings for the opening of private roads over private lands; providing that the public uses on behalf of which the right of eminent domain may be exercised include private roads that are necessary for access to private property; and providing an immediate effective date and a retroactive applicability date.

Amending sections 70-30-102 and 70-30-107, MCA.

Committee Hearing: House Natural Resources

Tabled in House committee.

☛ HB 410 Dick Haines

*Accept Rights-of-Way Across Federal Land*

An act providing for the acceptance of rights-of-way granted by the federal government; providing for acceptance by statutory acknowledgment or by use; providing for proof of use of rights-of-way; and creating a private right of action for the proof or protection of accepted rights-of-way.

Committee Hearing: House Transportation

Tabled in House committee.

☛ HB 423 Tom Dell

*Road Transfer Consideration Prior to Abandonment*

An act allowing a Board of County Commissioners to consider transferring county road maintenance, reconstruction, and liability responsibilities to an appropriate state or federal agency prior to road abandonment; and requiring a written agreement between the county and the selected agency prior to road transfer.

Amending section 7-14-2615, MCA.

Committee Hearing: House Local Government

Second Reading Vote: House 46-54

Missed deadline for general bill transmittal.

¶ HB 528 Bob Story

*Clarify Use of County Road and Bridge Easements for Access Purposes*

An act clarifying the use of county road easements and county bridge easements for purposes of access; clarifying that a Board of County Commissioners may control the use of a county road or county bridge easement in order to protect safety, and providing an immediate effective date.

Amending section 7-14-2101, MCA.

Committee Hearing: House State Administration

Second Reading Vote: House 35-65

Missed deadline for general bill transmittal.

## **- Land Use/Other -**

Passed

¶ HB 154 Dan McGee

*Revise Recording Plane Coordinates of Land Boundaries*

An act revising the accuracy requirements for recording state plane coordinates of land boundaries in the public record.

Amending section 70-22-206, MCA.

Committee Hearings: House Business and Labor  
Senate Business and Labor



Second Reading Votes:

House 98-0; Senate 49-0

Third Reading Votes:

House 98-0; Senate 43-0

Senate amended, House did not concur, 97-2.

Free conference committee report adopted: Senate 47-0; House 99-0.

# Local Government Regulation/Management

## - General -

Passed

HB 124 Bob Story

*Revise Local Government Funding (a.k.a. The Big Bill)*

An act generally revising the laws governing local government and state revenue collection and allocation; clarifying state mandates that may not be imposed on local governments without funding; eliminating specific statutory mill levy restrictions; revising the limit on property taxes; providing for a uniform election procedure to exceed the mill levy limit; providing for local government entitlements to replace reimbursements and to account for revenue allocations; calculating entitlements by deducting district court costs and public assistance costs; providing a statutory appropriation for entitlement payments; providing for fund transfers from the general fund to state agencies to account for revised revenue allocations; including state payments in lieu of taxes for state land in the entitlement share calculation; providing for certain uniform vehicle fees; retaining vehicle fees, alcohol taxes, and gambling taxes at the state level; revising the funding method for providing public assistance; converting certain special levies into fees; providing for block grants for school districts; providing for block grants to counties for distribution to school districts for purposes of countywide school transportation and countywide school retirement; appropriating money for school district block grants, countywide school transportation block grants, countywide school retirement block grants, and district court expenses; and providing effective dates and a retroactive applicability date.

Amending sections 1-2-112, 2-9-316, 3-2-714, 3-5-901, 7-2-2730, 7-2-2746, 7-2-4111, 7-2-4918, 7-3-1310, 7-3-1311, 7-3-1313, 7-3-4312, 7-6-502, 7-6-2301, 7-6-2314, 7-6-2319, 7-6-2328, 7-6-2329, 7-6-2345, 7-6-2501, 7-6-2511, 7-6-2512, 7-6-2522, 7-6-2523, 7-6-2541, 7-6-4134, 7-6-4238, 7-6-4261, 7-6-4272, 7-6-4431, 7-6-4451, 7-6-4453, 7-6-4455, 7-7-2202, 7-7-2206, 7-7-2303, 7-14-111, 7-14-232, 7-14-1131, 7-14-1134, 7-14-1632, 7-14-1633, 7-14-2501, 7-14-2502, 7-14-2503, 7-14-2504, 7-14-2523, 7-14-2807, 7-14-4106, 7-14-4404, 7-14-4644, 7-14-4734, 7-15-4293, 7-16-101, 7-16-2102, 7-16-2108, 7-16-2109, 7-16-2205, 7-16-2411, 7-16-2412, 7-16-2431, 7-16-2443, 7-16-4105, 7-16-4113, 7-16-4114, 7-21-3203, 7-21-3433, 7-21-3457, 7-22-2142, 7-22-2222, 7-22-2306, 7-22-2432, 7-22-2512, 7-32-235, 7-32-4117, 7-33-2209, 7-33-4111, 7-33-4130, 7-34-102, 7-34-2131, 7-34-2133, 7-34-2204, 7-34-2303, 7-34-2417, 7-35-2122, 10-2-501, 10-2-603, 13-13-

230, 15-1-402, 15-1-501, 15-10-420, 15-16-117, 15-24-303, 15-24-902, 15-24-904, 15-24-921, 15-24-922, 15-24-925, 15-30-121, 15-31-114, 16-1-404, 16-1-406, 16-1-411, 17-7-502, 19-6-709, 19-7-404, 19-9-209, 19-13-214, 19-18-503, 19-18-504, 19-19-301, 20-7-705, 20-7-714, 20-9-141, 20-9-168, 20-9-331, 20-9-333, 20-9-501, 20-10-144, 20-10-146, 20-15-305, 20-15-311, 20-15-326, 20-25-1002, 22-1-304, 23-2-508, 23-2-510, 23-2-512, 23-2-518, 23-2-611, 23-2-612, 23-2-615, 23-2-616, 23-2-803, 23-2-804, 23-2-811, 23-2-812, 23-2-814, 23-2-818, 23-5-610, 25-1-201, 39-71-403, 40-4-215, 40-4-226, 41-3-1122, 42-2-105, 50-2-111, 50-2-114, 52-6-105, 53-2-207, 53-2-301, 53-2-304, 53-2-612, 53-3-115, 53-3-116, 53-20-208, 53-21-204, 61-1-102, 61-3-203, 61-3-321, 61-3-325, 61-3-332, 61-3-406, 61-3-411, 61-3-412, 61-3-426, 61-3-431, 61-3-457, 61-3-465, 61-3-509, 61-3-524, 61-3-527, 61-3-707, 61-3-738, 61-9-312, 61-10-130, 61-10-148, 61-10-225, 67-3-205, 67-10-402, 67-11-301, 67-11-303, 72-16-909, 72-16-912, 75-10-533, 76-1-111, 76-1-403, 76-1-404, 76-1-406, 76-2-102, 76-6-109, 76-13-201, 76-15-505, 76-15-516, 76-15-531, 76-15-623, 77-1-502, 77-1-503, 77-1-504, 80-2-201, 80-2-203, 80-2-204, 80-2-205, 80-2-206, 80-2-207, 80-2-209, 80-2-221, 80-2-222, 80-2-224, 80-2-225, 80-2-226, 80-2-228, 80-2-229, 80-2-230, 80-2-231, 80-2-232, 80-2-244, 80-7-814, 80-7-815, 80-7-816, 80-7-822, 81-6-101, 81-6-104, 81-6-106, 81-6-204, 81-6-205, 81-6-209, 81-6-210, 81-7-104, 81-7-113, 81-7-114, 81-7-118, 81-7-201, 81-7-202, 81-8-503, 81-8-504, 85-3-412, 85-3-422, 85-3-423, and 90-5-112, MCA, and section 5, chapter 95, Laws of 2001; and repealing sections 7-6-2531, 7-6-2532, 7-6-2533, 7-6-2534, 7-6-2535, 7-6-2536, 7-6-2537, 7-6-4432, 7-6-4434, 7-6-4436, 7-6-4437, 7-6-4439, 7-6-4452, 7-16-2432, 7-34-2134, 7-34-2135, 7-34-2136, 15-7-122, 15-31-701, 15-31-702, 17-3-214, 20-25-1007, 52-1-110, 53-2-302, 53-2-306, 53-2-322, 53-2-610, 53-2-801, 53-2-802, 53-2-803, 53-2-811, 53-2-812, 53-2-813, 53-4-246, 53-4-247, 61-3-508, 61-3-510, 61-3-511, 61-3-512, 76-1-405, 76-1-407, 77-1-505, 77-1-506, 77-1-507, 80-2-223, and 80-7-810, MCA.

Committee Hearings:

House Local Government  
Senate Taxation

Second Reading Votes:

House 76-24; Senate 38-10

Third Reading Votes:

House 75-25; Senate 38-12

Senate amended, House did not concur, 92-6.

Free conference committee report adopted: Senate 28-22; House 66-34.

Governor amended: House concurred 72-25, Senate concurred 30-16.

HB 190 John Witt

*Revise Matching Fund Requirement for Treasure State Regional Water System*

An act allowing up to 25 percent of the local matching funds required for the Treasure State Endowment Regional Water System to be in the form of debt that was incurred by local government entities included in the regional water system to construct individual drinking water systems before the individual systems were connected to the regional system; limiting the amount of an individual entity's debt that may be used for matching funds; and providing an immediate effective date.

Amending section 90-6-715, MCA.

Committee Hearings:	House Local Government Senate Local Government
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Second Reading Votes:	House 100-0; Senate 37-0
Third Reading Votes:	House 100-0; Senate 48-0

HB 226 Keith Bales

*Allocate Portion of Federal Mineral Royalty Funds to Counties*

An act providing for the allocation of a portion of federal mineral royalty income to counties where the development of the federally owned minerals has occurred; providing for the allocation of a portion of federal mineral royalty income to a mineral impact account to be used for local governments; providing a statutory appropriation for the payment of allocations of federal mineral royalty income to counties; and providing effective dates and an applicability date.

Amending section 17-7-502, MCA.

Committee Hearings:	House Appropriations Senate Finance and Claims
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Second Reading Votes:	House 77-20; Senate 49-0
Third Reading Votes:	House 86-14; Senate 45-5

Senate amended, House did not concur, 78-21.  
Conference committee report adopted: Senate 33-17, House 90-10.

HB 298 Tom Facey

*Allow Local Government Adoption of State Building Codes by Administrative Action*

An act allowing local governments to adopt state-approved building codes by an ordinance authorizing the adoption by an administrative action; and providing an immediate effective date.

Amending section 50-60-301, MCA.

Committee Hearings:	House Local Government Senate Local Government
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Second Reading Votes:	House 66-33; Senate 39-0
Third Reading Votes:	House 67-33; Senate 49-0

HB 392 Gay Masolo

*Increase Funding for Rural Technical Assistance Program*

An act increasing the amount of gasoline and vehicle fuel tax proceeds allocated to the Local Technical Assistance Transportation Program and redistributing the remaining amount to counties and cities; and providing an effective date.

Amending section 15-70-101, MCA.

Committee Hearings:	House Transportation Senate Highways and Transportation
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Second Reading Votes:	House 88-12; Senate 50-0
Third Reading Votes:	House 94-6; Senate 50-0

SB 187 John Cobb

*Revise and Standardize Local Government Notice Provisions*

An act standardizing the public notice provisions for local government units; and requiring a local government unit to publish two notices prior to a public hearing.

Amending sections 7-1-2121, 7-1-4121, 7-1-4127, 7-1-4149, 7-2-2209, 7-2-2505,

7-2-2602, 7-2-4312, 7-2-4708, 7-2-4805, 7-3-604, 7-5-2502, 7-5-4202, 7-5-4302, 7-6-2316, 7-6-2320, 7-8-101, 7-8-2217, 7-8-2302, 7-12-1112, 7-12-2132, 7-12-4141, 7-12-4177, 7-12-4254, 7-12-4303, 7-12-4329, 7-12-4406, 7-12-4426, 7-12-4502, 7-12-4603, 7-13-107, 7-13-114, 7-13-126, 7-13-127, 7-13-145, 7-13-208, 7-13-232, 7-13-3005, 7-13-3021, 7-13-3023, 7-13-3028, 7-13-3043, 7-13-4507, 7-14-208, 7-14-244, 7-14-1102, 7-14-2403, 7-14-2616, 7-14-2822, 7-14-2902, 7-14-4114, 7-14-4712, 7-14-4732, 7-15-4215, 7-15-4263, 7-15-4404, 7-16-2442, 7-21-3305, 7-22-2212, 7-22-2232, 7-22-2406, 7-22-2408, 7-22-2446, 7-33-2102, 7-33-2125, 7-34-2162, 7-35-2112, 15-10-203, and 75-2-215, MCA; and repealing sections 7-1-4128, 7-2-2256, 7-12-2106, and 7-12-4107, MCA.

Committee Hearings:	Senate Local Government House Local Government
Second Reading Votes:	Senate 50-0; House 100-0
Third Reading Votes:	Senate 50-0; House 98-0

⚡ SB 433 Jim Elliott

*County Revenue Distribution of Forest Reserve Funds*

An act providing counties with the payment options contained in federal law for receiving their portion of forest reserve funds; specifying how the funds must be distributed, depending on the payment options chosen; and providing an effective date.

Amending sections 17-3-211, 17-3-212, and 17-3-213, MCA.

Committee Hearings:	Senate Local Government House State Administration
Second Reading Votes:	Senate 50-0; House 100-0
Third Reading Votes:	Senate 47-3; House 94-6

House amended, Senate concurred, 49-0.

Failed

HB 423 Tom Dell

*Road Transfer Consideration Prior to Abandonment*

An act allowing a Board of County Commissioners to consider transferring county road maintenance, reconstruction, and liability responsibilities to an appropriate state or federal agency prior to road abandonment; and requiring a written agreement between the county and the selected agency prior to road transfer.

Amending section 7-14-2615, MCA.

Committee Hearing: House Local Government

Second Reading Vote: House 46-54

Missed deadline for general bill transmittal.

HB 528 Bob Story

*Clarify Use of County Road and Bridge Easements for Access Purposes*

An act clarifying the use of county road easements and county bridge easements for purposes of access; clarifying that a Board of County Commissioners may control the use of a county road or county bridge easement in order to protect safety, and providing an immediate effective date.

Amending section 7-14-2101, MCA.

Committee Hearing: House State Administration

Second Reading Vote: House 35-65

Missed deadline for general bill transmittal.



☛ SB 127 John Bohlinger

*Increase Lodging Facility Tax by 2% to Fund Local Government*

An act increasing the lodging facility use tax to 6 percent from 4 percent; providing that the increased revenue be distributed to the general funds of cities, towns, and counties based upon the point of tax collection; providing that counties get revenue from county collections not within an incorporated area; and providing an effective date.

Amending sections 15-65-111, 15-65-121, and 15-65-122, MCA.

Committee Hearing:

Senate Taxation

Tabled in Senate committee.

☛ SB 155 Mike Halligan

*Allow All Cities and Counties to Adopt Local Option Sales Tax*

An act allowing all municipalities and counties, by a vote of the electorate, to adopt a local option sales tax; limiting the goods and services that may be subject to a local option sales tax; providing for the distribution of local option sales tax revenue; providing that local option sales tax revenue may be used for any purpose reflected in the resolution authorizing the local option sales tax; prohibiting double taxation; providing that an existing resort tax imposed by a resort community, resort area, or resort area district remains in effect as a local option sales tax; and providing an immediate effective date.

Amending sections 7-6-1501, 7-6-1502, 7-6-1503, 7-6-1504, 7-6-1505, 7-6-1506, 7-6-1508, 7-6-1509, 7-6-1531, 7-6-1542, 7-7-4424, 7-7-4428, and 16-4-420, MCA; and repealing section 7-6-1507, MCA.

Committee Hearing:

Senate Taxation

Tabled in Senate committee.

SB 213 Bill Glaser

*Local Option Sales Taxes and Fees*

An act allowing all municipalities and counties, by a vote of the electorate, to adopt a local option sales tax; limiting the goods and services that may be subject to a local option sales tax; providing for the distribution of local option sales tax revenue; providing that local option sales tax revenue may be used for any purpose reflected in the resolution authorizing the local option sales tax; prohibiting double taxation; providing that an existing resort tax imposed by a resort community, resort area, or resort area district remains in effect; and providing an immediate effective date.

Amending sections 7-6-1508, 7-6-1532, 7-7-4424, and 7-7-4428, MCA.

Committee Hearings:	Senate Taxation
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Second Reading Vote:	Senate 26-20
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Third Reading Vote:	Senate 24-24
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Reconsidered previous vote (Senate third reading) and placed on Senate second reading.

Second Reading Vote:	Senate 24-23
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Third Reading Vote:	Senate 24-25
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SB 278 Dale Berry

*Remove City's Authority to Ban Competition from Private Garbage Providers*

An act eliminating the authority of cities and towns to ban competition from private garbage and solid waste disposal services providers; providing that cities or towns that are the exclusive providers of garbage and solid waste disposal services may not require that they be the exclusive providers after July 1, 2004; and providing an immediate effective date.

Amending sections 7-2-4205, 7-2-4305, 7-2-4506, 7-2-4610, 7-2-4736, and 7-13-4107, MCA.

Committee Hearing:	Senate Local Government
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Second Reading Vote:	Senate 20-28
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Second reading indefinitely postponed.  
Missed deadline for general bill transmittal.

☛SB 343 Dale Berry

*Allow General Power Local Government Clean Indoor Air Act Authority*

An act authorizing each incorporated city or town to adopt requirements that are at least equivalent to the requirements of the Montana Clean Indoor Air Act; and providing an immediate effective date.

Committee Hearing: Senate Local Government

Hearing cancelled.  
Missed deadline for general bill transmittal.

**- Land Use Planning/Subdivisions -**

Passed

☛HB 111 Bob Lawson

*Remove Cap on Local Lakeshore Protection Fees*

An act removing the limits on local lakeshore protection fees; and providing an effective date.

Amending section 75-7-210, MCA.

Committee Hearings: House Local Government  
Senate Local Government

Second Reading Votes: House 81-19; Senate 45-3  
Third Reading Votes: House 86-12; Senate 38-10

Senate amended, House concurred, 89-11.

HB 340 Cindy Younkin

*Revise Requirements to Subdivision Regulations*

An act revising the provisions governing the contents of local subdivision regulations; requiring the subdivider to reserve water rights for surface water for certain subdivisions; establishing minimum width requirements for ditch easements in subdivisions; and prohibiting placement of structures or planting of vegetation within ditch easements without permission.

Amending section 76-3-504, MCA.

Committee Hearings:	House State Administration Senate Natural Resources
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Second Reading Votes:	House 94-5; Senate 50-0
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Third Reading Votes:	House 93-7; Senate 47-1
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Senate amended, House concurred, 89-11.

HB 543 Roy Brown

*Revise Subdivision and Growth Policy Laws*

An act revising the laws related to review of subdivisions for conformance to local growth policies; eliminating local government authority to require subdivision plats to conform to growth policies by adoption of an ordinance or resolution; requiring that subdivision regulations be in accordance with the growth policy when a growth policy has been adopted; and providing an applicability date.

Amending sections 76-1-605, 76-1-606, 76-3-504, and 76-3-604, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 95-3; Senate 46-1
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Third Reading Votes:	House 92-7; Senate 45-4
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Senate amended, House did not concur, 84-14.

Free conference committee report adopted: Senate 49-0, House 93-7.

HB 589 Tom Facey

*Revise Subdivision Exemption for Condominiums*

An act revising the exemptions from the Subdivision and Platting Act for condominiums.

Amending section 76-3-203, MCA.

Committee Hearings:	House Business and Labor Senate Local Government
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Second Reading Votes:	House 53-47; Senate 48-1
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Third Reading Votes:	House 52-48; Senate 46-2
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Senate amended, House concurred, 75-25.

HJ 24 David Wanzenried

*Study Annexation Laws*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting a study of annexation to develop a guiding policy on annexation and to generate recommendations based on the study's findings.

Committee Hearings:	House Local Government Senate Local Government
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Second Reading Votes:	House 84-16; Senate 41-1
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Third Reading Votes:	House 77-23; Senate 42-6
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SB 167 Emily Stonington

*Revise Sanitation in Subdivision Laws*

An act generally revising the sanitation in subdivisions laws; authorizing the reviewing authority to require easements and covenants; requiring purchasers to be notified of conditions of subdivision approval; requiring as-built inspections of sewage systems; authorizing the reviewing authority to require easements and covenants; defining "adequate municipal facilities"; conforming definitions to those in other acts; requiring the department to adopt rules regarding criteria for

granting waivers and deviations and for easements, covenants, agreements, and management entities; allowing for review of certain major and minor subdivisions by local departments and boards of health; requiring the applicant to submit evidence that water supply systems are in compliance with state and local laws and regulations; eliminating the mandatory soil percolation testing requirement; allowing fees to be used for inspection and enforcement activities; clarifying certification requirements for subdivisions exempt from review because adequate municipal facilities and storm water drainage will be provided; requiring a developer to give notice to a local board of health before filing an application for certification of subdivision approval; repealing certain provisions related to delegation of review to local government; repealing redundant provisions; clarifying provisions governing subdivision activities and review and approval of subdivisions; and providing an immediate effective date and applicability dates.

Amending sections 76-4-102, 76-4-104, 76-4-105, 76-4-111, 76-4-121, 76-4-122, 76-4-125, 76-4-127, 76-4-130, 76-4-131, and 76-4-132, MCA; repealing sections 76-4-123, 76-4-124, and 76-4-128, MCA.

Committee Hearings:	Senate Local Government House Natural Resources
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Second Reading Votes:	Senate 50-0; House 100-0
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Third Reading Votes:	Senate 49-1; House 100-0
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House amended, Senate concurred, 47-1.

#### SB 241 Jack Wells

##### *Revise Zoning District Laws*

An act changing the composition of the planning and zoning commission; and authorizing counties to enforce the regulations and requirements adopted for planning and zoning districts created upon citizen petition.

Amending sections 76-2-101 and 76-2-102, MCA.

Committee Hearings:	Senate Local Government House Local Government
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Second Reading Votes:	Senate 50-0; House 99-0
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Third Reading Votes:	Senate 50-0; House 97-3
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House amended, Senate concurred, 47-1.

🏛️ SB 242 Jerry O'Neil

*Prohibit Extraterritorial Building Codes*

An act limiting the municipal jurisdictional area for a municipal building code to the area within the limits of an incorporated city or town; providing that the county jurisdictional area for a county building code may be an area less than the entire county; establishing procedures for adoption of a jurisdictional area for a county building code; providing for a county appeal procedure; superseding the unfunded mandate laws; and providing an immediate effective date and a retroactive applicability date.

Amending sections 13-19-106, 50-60-101, and 50-60-303, MCA.

Committee Hearings:	Senate Judiciary House Business and Labor
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Second Reading Votes:	Senate 44-5; House 58-40
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Third Reading Votes:	Senate 45-4; House 59-41
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House amended, Senate did not concur, 28-20.

Free conference committee report adopted: Senate 29-21, House 58-42.

🏛️ SB 359 Mike Halligan

*Allow City or Town to Create Annexation District Outside the City or Town*

An act authorizing incorporated cities and towns to create annexation districts; providing that property may be included in an annexation district only upon an agreement between a property owner and the city or town; providing for the provision of services by a city or town to property within an annexation district; and providing for incremental taxes or fees for services provided to property in an annexation district.

Committee Hearings:	Senate Local Government House Local Government
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Second Reading Votes:	Senate 45-5; House 83-15
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Third Reading Votes:	Senate 42-8; House 61-39
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House amended, Senate concurred, 44-5.

⚡ SB 455 Steve Doherty

*Clarify Subdivision Documents Recorded When No State Jurisdiction*

An act clarifying that documents may be recorded for the subdivision and transfer of land in areas over which the state does not have jurisdiction; and providing an immediate effective date.

Amending sections 76-3-201, 76-3-301, 76-3-302, and 76-4-122, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 50-0; House 99-0
Third Reading Votes:	Senate 50-0; House 90-10

House amended, Senate concurred, 49-0.

⚡ SB 479 Don Hargrove

*Subdivision Review for Cluster Development*

An act authorizing local governments to adopt subdivision regulations that promote cluster development and preservation of open space; establishing additional purposes for subdivision regulations; defining "cluster development"; authorizing local governments to authorize certain exemptions from subdivision regulations and procedures for cluster developments that preserve open space; requiring the Department of Commerce to develop examples of subdivision regulations that promote cluster development and to provide technical assistance with the development of cluster development regulations; and providing effective dates.

Amending sections 17-6-505, 76-3-102, 76-3-103, 76-3-503, 76-3-504, 76-3-608, 76-3-621, and 90-1-103, MCA.

Committee Hearings:	Senate Local Government House Natural Resources
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Second Reading Votes:	Senate 50-0; House 76-24
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Third Reading Votes:

Senate 49-1; House 73-27

Failed

☛ HB 59 Ron Erickson

*Capital Costs for Schools in Subdivisions - Funding Through Subdivider Fees*

An act authorizing local governments to collect payments from subdividers to pay for all or part of the capital costs of school facilities that are attributable to a subdivision; requiring that the payments be deposited in a school district building fund; providing for a separate accounting and a refund of the payment under certain conditions; and providing an effective date.

Amending sections 20-9-508 and 76-3-510, MCA.

Committee Hearing:

House Local Government

Tabled in House committee.

☛ HB 92 Kim Gillan

*Appropriate Funds for Land Use Planning Grants*

An act providing for grants to local governments for the development or implementation of growth policies; authorizing the Department of Commerce to administer the grants and adopt rules; establishing conditions and limitations on the grants; appropriating funds for the grants; and providing an immediate effective date and a contingent termination date.

Committee Hearing:

House Natural Resources

Second Reading Vote:

House 76-23

Rereferred to House Appropriations.

Tabled in House Appropriations.

☛ HB 304 Gilda Clancy

*Revise Provisions for More Stringent Local Subdivision Regulations*

An act revising the provisions related to adoption and review of local subdivision regulations by local governing bodies and local boards of health that are more stringent than comparable state rules or guidelines; establishing additional conditions that must be met prior to adoption of the regulations; reducing the time allowed for a governing body or a local board of health to act on a petition to review a regulation; and providing an applicability date.

Amending sections 50-2-130 and 76-3-511, MCA.

Committee Hearings: House Natural Resources

Second Reading Vote: House 51-49

Third Reading Vote: House 48-52

Motion failed to reconsider previous action (third reading vote).

☛ HB 343 Dave Wanzenried

*Authorize Park Dedication for Minor Subdivisions*

An act authorizing local governments to require park dedication for minor subdivisions; and authorizing review of minor subdivisions under the same procedures regardless of whether park land is dedicated.

Amending sections 76-3-505, 76-3-609, and 76-3-621, MCA.

Committee Hearing: House Natural Resources

Tabled in House committee.

☛ HB 356 Holly Raser

*Eliminate Petition to Disapprove Annexation - Require Vote*

An act removing the exemption on voter approval for the annexation of less than 300 parcels of land, including land used for railroad purposes; and providing an immediate effective date.

Amending sections 7-2-4303 and 7-2-4314, MCA.

Committee Hearing:

House Local Government

Tabled in House committee.

☛HB 404 Dave Wanzenried

*Allow Vote on Annexation of Surrounded Land*

An act allowing a vote on annexation of wholly surrounded land.

Amending section 7-2-4501, MCA; and repealing section 7-2-4502, MCA.

Committee Hearing:

House Local Government

Tabled in House committee.

☛HB 453 Dave Wanzenried

*Temporary Moratorium on Annexation*

An act temporarily prohibiting any type of annexation if at least 25 percent of the property owners in the area to be annexed file a petition opposing annexation; and providing an effective date and a termination date.

Amending sections 7-2-4313, 7-2-4314, 7-2-4405, 7-2-4406, 7-2-4501, 7-2-4502, 7-2-4601, 7-2-4606, 7-2-4710, 7-2-4734, and 7-2-4711, MCA.

Committee Hearing:

House Local Government

Tabled in House committee.

☛HB 508 Cindy Younkin

*Revise Zoning Laws*

An act generally revising zoning laws; establishing a procedure to abolish a planning and zoning district created under Title 76, chapter 2, part 1, MCA; establishing a procedure to convert a planning and zoning district to a zoning

district under Title 76, chapter 2, part 2, MCA; and revising the procedure for adopting amendments to zoning regulations or revisions to boundaries of zoning districts that affect part of a zoning district.

Amending sections 76-2-201 and 76-2-205, MCA.

Committee Hearing: House State Administration

Tabled in House committee.

☛ HB 532 Chris Kaufmann

*Revise Growth Policy Contents*

An act revising the content requirements for local growth policies; and providing an applicability date.

Amending section 76-1-601, MCA.

Committee Hearing: House Natural Resources

Tabled in House committee.

☛ HB 585 Dan Fuchs

*Revise Review of Sanitation in Subdivisions*

An act generally revising the sanitation in subdivisions laws; conforming definitions to those in other acts; authorizing review of major and minor subdivisions by a certified local department or board of health; eliminating the mandatory soil percolation testing requirement; requiring the Department of Environmental Quality to adopt rules regarding criteria for granting waivers and deviations; requiring the applicant to submit evidence that water supply systems are in compliance with state and local laws and regulations; authorizing the local reviewing authority to adopt fees; authorizing the use of fees collected by the reviewing authority for inspection and enforcement activities; providing that the reviewing authority may enforce the sanitation in subdivisions laws; repealing certain provisions related to delegation of review to local governments; repealing redundant provisions; and providing an immediate effective date.

Amending sections 50-2-116, 76-4-102, 76-4-104, 76-4-105, 76-4-108, 76-4-111,

76-4-125, 76-4-129, and 76-4-131, MCA; and repealing sections 76-4-128 and 76-4-132, MCA.

Committee Hearings:	House Judiciary Senate Local Government
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Second Reading Vote:	House 83-17
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Third Reading Vote:	House 82-18
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Tabled in Senate committee.

☛ HB 586 Dave Wanzenried

*Revise Minor Subdivision Law*

An act defining "minor subdivision"; defining "original tract of record"; clarifying the review procedure for the first minor subdivision; revising the review procedure for subsequent minor subdivisions; eliminating redundant provisions; providing for the proration of property taxes on centrally assessed property; and providing an applicability date.

Amending sections 76-3-103, 76-3-207, 76-3-504, 76-3-601, 76-3-603, 76-3-605, 76-3-608, 76-3-609, and 76-3-620, MCA; and repealing section 76-3-505, MCA.

Committee Hearing:	House Natural Resources
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Second Reading Vote:	House 43-56
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☛ HB 587 Rick Laible

*Establish Requirements for Subdivision Exactions*

An act establishing proportionality standards and requirements for certain exactions and conditions in conjunction with subdivision approvals; requiring local governments to comply with these standards and requirements; and providing an applicability date.

Amending sections 76-3-510 and 76-3-608, MCA.

Committee Hearings:	House Business and Labor
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☛ HB 648 Christine Kaufmann

*Trust Fund for Fire Suppression and Land Use Planning*

An act establishing a property tax on structures that are within a wildland-urban interface area and at risk from wildland fire destruction; providing that the proceeds of the tax be used for wildland fire suppression and county land use planning; establishing the criteria for designating certain improvements as subject to the property tax; providing for the administration of the tax proceeds; increasing the forest fire district fee and per-acre assessment; and providing an applicability date.

Amending section 76-13-201, MCA.

Committee Hearing:

House Taxation

Tabled in House committee.

☛ HJ 28 Rick Laible

*Wildland-Residential Interface Management Plan*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana encouraging county planners or their equivalent to develop consensus potential legislation for introduction in the 58<sup>th</sup> Legislature that addresses the need for counties to identify wildland-residential interface areas and to adopt ordinances to address these areas; and encouraging federal land management agencies to manage vegetation on land under their jurisdiction to reduce the risk of stand-replacing fires.

Committee Hearings:

House Business and Labor

Tabled in House committee.



☛ SB 224 Ken Toole

*Real Estate Transfer Tax to Fund Local Planning Efforts*

An act imposing a realty transfer tax; allocating tax proceeds to the state and to the local government where the transfer occurred; requiring that tax proceeds be used for local planning activities, the Agricultural Heritage Program, and affordable housing; providing that documents transferring title to real property may not be recorded until the tax is paid; providing for penalties and interest for nonpayment of the tax; and providing an immediate effective date.

Committee Hearing:

Senate Taxation

Tabled in Senate committee.

☛ SB 244 Mike Halligan

*Revise Treasure State Endowment Program to Include Affordable Housing Criteria*

An act including in the list of priorities for Treasure State Endowment funding any projects that are sponsored by local government entities for the construction of infrastructure for housing for low-income or moderate-income families.

Amending section 90-6-710, MCA.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:

Senate 50-0

Third Reading Votes:

Senate 48-2

Tabled in House committee.

Motion failed to take from committee and place on House second reading.

☛ SB 287 Emily Stonington

*Revise Subdivision Exemption for Family Transfer*

An act revising the exemption from subdivision review for divisions of land for the purpose of a gift or sale to a member of a landowner's immediate family;

including children by marriage in the definition of "immediate family"; and providing an immediate effective date.

Amending sections 76-3-103 and 76-3-207, MCA.

Committee Hearing:	Senate Local Government
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Second Reading Vote:	Senate 27-22
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Third Reading Vote:	Senate 24-26
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Missed deadline for general bill transmittal.

☛ SB 470 Jerry O'Neil

*Prohibit Extraterritorial Zoning and Subdivision Regulation*

An act eliminating the authority of municipalities to regulate land use through subdivision or zoning regulations outside of the corporate limits of a city or town; and providing an applicability date.

Amending sections 7-3-4444, 76-2-101, 76-2-306, and 76-3-601, MCA; and repealing sections 76-2-310, 76-2-311, and 76-2-312, MCA.

Committee Hearings:	Senate Local Government House Natural Resources
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Second Reading Vote:	Senate 27-23
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Third Reading Vote:	Senate 26-24
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Tabled in House committee.

# Mineral Development

## - Exploration, Operation and Reclamation -

Passed

⚡HB 69 Matt McCann

### *Revise Mining Laws*

An act revising the definitions, applicable fees, mine performance bonding and appeal procedures of the metal mine reclamation laws; allocating interest from the hard-rock mining and reclamation account and the opencut mining and reclamation account to those accounts; and providing an immediate effective date.

Amending sections 82-4-303, 82-4-311, 82-4-331, 82-4-332, 82-4-335, 82-4-338, 82-4-339, 82-4-341, 82-4-360, and 82-4-424, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 95-4; Senate 49-0

Third Reading Votes:

House 94-5; Senate 50-0

Senate amended, House concurred, 97-2.

⚡HB 126 Cindy Younkin

### *Revise Hearing Process for Certain Environmental Laws*

An act generally revising the procedural provisions of the water treatment plant operators certification laws, the Comprehensive Environmental Cleanup and Responsibility Act, the sanitation in subdivisions laws, the Strip and Underground Mine Siting Act, the coal and uranium mine reclamation laws, the metal mine reclamation laws, and the Opencut Mining Act; providing for hearings before the Board of Environmental Review rather than the Department of Environmental Quality; clarifying permit denial hearing requirements under the metal mine reclamation laws; revising the time within which a hearing must be held under the Opencut Mining Act; transferring the responsibility for holding a hearing under the Opencut Mine Act from the department to the board; and providing an immediate effective date.

Amending sections 37-42-102, 37-42-321, 75-10-714, 76-4-108, 76-4-126, 82-4-112, 82-4-130, 82-4-205, 82-4-206, 82-4-254, 82-4-338, 82-4-353, 82-4-361, 82-4-362, 82-4-422, 82-4-427, and 82-4-441, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 98-2; Senate 50-0
Third Reading Votes:	House 98-0; Senate 48-1

♣ HB 147 Rick Dale

*Require EIS Completion Within 1 Year of Mining Permit Acceptance*

An act requiring the Department of Environmental Quality to complete and publish a Final Environmental Impact Statement at least 15 days prior to the date of issuance of the written findings on a permit application; and providing an immediate effective date.

Amending section 82-4-231, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 98-0; Senate 50-0
Third Reading Votes:	House 99-0; Senate 48-1

♣ HB 495 Alan Olson

*Provide for the Transfer of Revoked Coal Mine Permits*

An act providing for the transfer of revoked coal mine operating permits; and providing an immediate effective date and a retroactive applicability date.

Committee Hearings:	House Agriculture Senate Natural Resources
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Second Reading Votes:	House 84-14; Senate 50-0
Third Reading Votes:	House 83-17; Senate 41-7

Senate amended, House concurred, 96-4.

HB 572 Keith Bales

*Adjust and Redistribute Money Derived from Natural Gas from Coal Beds*

An act creating a coal bed methane protection account; clarifying the distribution of oil and natural gas production taxes; depositing a portion of the oil and natural gas production tax in the Coal Bed Methane Protection Account; restricting expenditures from the account until after June 30, 2005, for emergencies and until after June 30, 2011, for all other purposes; creating a Coal Bed Methane Protection Program to compensate landowners and water right holders for damage caused by the development of coal bed methane; authorizing Conservation Districts that have coal bed methane within the district to administer the Coal Bed Methane Protection Program; requiring Conservation Districts to adopt procedures for evaluating claims for compensation; limiting the amount of compensation; restricting the award of compensation until after June 30, 2005, for emergencies and until after June 30, 2011, for all other purposes; and providing a contingent effective date and a termination date.

Amending section 15-36-324, MCA.

Committee Hearings: House Natural Resources

Second Reading Vote: House 70-30

Rereferred to House Appropriations  
Senate Natural Resources

Second Reading Votes: House 73-26; Senate 50-0

Third Reading Votes: House 72-28; Senate 45-3

Senate amended, House did not concur, 92-7.

Free conference committee report adopted: Senate 45-4, House 72-27.

HB 573 Keith Bales

*Allow Oil and Gas Board to Permit Certain Coal Bed Methane Gas Wells*

An act authorizing the Board of Oil and Gas Conservation to permit certain coal bed methane gas wells; providing requirements for coal bed methane wells that involve production of ground water; providing that certain management practices for ground water produced in association with a coal bed methane well may not be construed as waste; and providing effective dates.

Amending section 85-2-505, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 71-29; Senate 30-19
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Third Reading Votes:	House 69-29; Senate 34-16
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Senate amended, House did not concur, 61-39.

Free conference committee report adopted: House 58-41, Senate 31-18.

◆ HJ 27 Keith Bales

*EQC Oversight for EIS on Proposed Coal Bed Natural Gas Resources Development*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that the Environmental Quality Council provide oversight for the preparation of an Environmental Impact Statement regarding the proposed development of coal bed natural gas resources in Montana and provide findings to the Legislature.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 89-11; Senate 48-0
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Third Reading Votes:	House 95-5; Senate 44-4
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Senate amended, House concurred, 92-8.

◆ SB 375 Duane Grimes

*Revise Opencut Mining Laws*

An act revising the permitting and reclamation plan amendment procedures for the opencut mining law.

Amending sections 82-4-402, 82-4-422, 82-4-432, 82-4-434, and 82-4-441, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:

Senate 37-13; House 94-5

Third Reading Votes:

Senate 39-11; House 94-6

🔗SB 484 Tom Beck

*Hard-Rock Mining Reclamation Debt Service Fund*

An act creating a Hard-Rock Mining Reclamation Debt Service Fund; authorizing the Board of Examiners to issue and sell hard-rock mining reclamation general obligation bonds in an amount not exceeding \$8 million upon the request of the Department of Environmental Quality; creating the Hard-Rock Mining Reclamation Special Revenue Account; and providing a delayed effective date.

Amending sections 15-37-117 and 75-10-743, MCA.

Committee Hearings:

Senate Natural Resources

House Natural Resources

Second Reading Vote:

House 64-36

Rereferred to House Appropriations

Second Reading Votes:

Senate 50-0; House 91-7

Third Reading Votes:

Senate 50-0; House 96-4

House amended, Senate concurred, 49-0.

🔗SB 510 Corey Stapleton

*Encourage Leasing of Crown Butte Exchange Property for Coal Mining*

An act encouraging the leasing of property for coal mining that is received from the United States government as part of the Crown Butte land exchange; providing that proceeds from the leases be used for education purposes if permitted; and providing a contingent effective date.

Amending section 77-3-303, MCA.

Committee Hearings:

Senate Energy and

Telecommunications

House Natural Resources



Second Reading Votes:

Senate 33-13; House 68-32

Third Reading Votes:

Senate 35-12; House 64-36

House amended, Senate concurred, 41-8.

◆ SJ 10 Sam Kitzenberg

*Urge Development of New Gold and Silver Mining Process*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the Board of Regents and the Chancellor of Montana Tech of the University of Montana to direct the School of Mines and Engineering to develop an economical process for mining gold and silver that does not require the use of cyanide heap leaching and to encourage students attending the school of mines and engineering in the fields of geological engineering, metallurgical and materials engineering, and mining engineering at Montana Tech of the University of Montana to participate in an internship program at a montana gold or silver mine operation.

Committee Hearings:

Senate Education and Cultural  
Resources  
House Education

Second Reading Votes:

Senate 49-0; House 88-5

Third Reading Votes:

Senate 43-0; House 94-6

House amended, Senate concurred, 47-0.

Failed

◆ HB 299 Ron Erickson

*Revise Reclamation Bonding for Opencut Mine*

An act revising the laws governing reclamation for opencut mining; revising the bonding requirements for opencut mining permits; providing a mandamus action to require compliance with opencut mining reclamation laws; and providing an immediate effective date.

Amending section 82-4-433, MCA.

Committee Hearing:

House Natural Resources

Tabled in House committee.

☛ HB 310 Norma Bixby

*Require Water Quality Permit Exemption for Coal Bed Methane Discharge to Surface Water*

An act requiring a permit for discharge of ground water from a coal bed methane well to surface water.

Amending section 75-5-401, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee.

☛ HB 535 Chris Harris

*Require Certification of Bond Adequacy by Mine Owner*

An act requiring the owner or owners of coal, uranium, metal, and opencut mine operations to submit a certification to the Department of Environmental Quality attesting to the adequacy and sufficiency of financial bonding for mine reclamation.

Committee Hearing:

House Natural Resources

Tabled in House committee.

☛ HB 592 Matt McCann

*Require Gas Producers to Itemize Charges Assessed to Natural Gas Royalty Owner*

An act requiring gas producers to itemize charges assessed to the owner of a natural gas royalty; and providing an effective date.

Amending section 82-10-104, MCA.

Committee Hearing:

House Business and Labor

Tabled in House committee.

☛HB 601 Gary Forrester

*Revise Opencut Mining Laws*

An act removing the mining threshold limit for persons who are required to obtain an opencut-mining permit; providing that public safety is a consideration for the approval of a reclamation plan; and providing an immediate effective date.

Amending sections 82-4-431 and 82-4-434, MCA.

Committee Hearing:

House Agriculture

Tabled in House committee.

## **- Local Impact Mitigation -**

Passed

☛HB 226 Keith Bales

*Allocate Portion of Federal Mineral Royalty Funds to Counties*

An act providing for the allocation of a portion of federal mineral royalty income to counties where the development of the federally owned minerals has occurred; providing for the allocation of a portion of federal mineral royalty income to a mineral impact account to be used for local governments; providing a statutory appropriation for the payment of allocations of federal mineral royalty income to counties; and providing effective dates and an applicability date.

Amending section 17-7-502, MCA.

Committee Hearings:

House Appropriations  
Senate Finance and Claims

Second Reading Votes:

House 77-20; Senate 49-0

Third Reading Votes:

House 86-14; Senate 45-5

Senate amended, House did not concur, 78-21.

Conference committee report adopted: Senate 33-17, House 90-10.

HB 485 Monica Lindeen

*Revise Coal Board Funding*

An act allocating coal severance taxes to the Coal Board to be used for grants to eligible entities affected by declining coal production; providing an appropriation; and providing an effective date.

Amending sections 15-35-108, 90-6-206, and 90-6-207, MCA.

Committee Hearing:

House Natural Resources

House Appropriations

Tabled in House Appropriations.

# Solid and Hazardous Waste and Hazardous Materials Management

## - Hazardous Materials Management -

Passed

♣HB 94 Kim Gillan

### *Clarify Notice to Potentially Liable Persons for Environmental Release*

An act clarifying the requirements to notify potentially liable persons regarding the investigation and remediation of impacts caused by the release of hazardous and deleterious substances; standardizing the postemergency action notification deadline; limiting the liability defense to only those department costs incurred or encumbered prior to the date of notice; and providing an immediate effective date.

Amending sections 75-10-711, 75-10-712, 75-10-715, and 75-10-745, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 100-0; Senate 50-0
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Third Reading Votes:	House 100-0; Senate 48-0
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Senate amended, House concurred, 99-0.

♣HB 126 Cindy Younkin

### *Revise Hearing Process for Certain Environmental Laws*

An act generally revising the procedural provisions of the water treatment plant operators certification laws, the Comprehensive Environmental Cleanup and Responsibility Act, the sanitation in subdivisions laws, the Strip and Underground Mine Siting Act, the coal and uranium mine reclamation laws, the metal mine reclamation laws, and the Opencut Mining Act; providing for hearings before the Board of Environmental Review rather than the Department of Environmental Quality; clarifying permit denial hearing requirements under the metal mine reclamation laws; revising the time within which a hearing must be held under the Opencut Mining Act; transferring the responsibility for holding a hearing under

the Opencut Mine Act from the department to the board; and providing an immediate effective date.

Amending sections 37-42-102, 37-42-321, 75-10-714, 76-4-108, 76-4-126, 82-4-112, 82-4-130, 82-4-205, 82-4-206, 82-4-254, 82-4-338, 82-4-353, 82-4-361, 82-4-362, 82-4-422, 82-4-427, and 82-4-441, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 98-2; Senate 50-0
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Third Reading Votes:	House 98-0; Senate 48-1
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🔖 HB 332 Rick Dale

*Revise Underground Storage Tank Inspection Laws*

An act revising the inspection provisions of the Montana Underground Storage Tank Act; and providing an immediate effective date.

Amending section 75-11-509, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 100-0; Senate 47-0
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Third Reading Votes:	House 97-0; Senate 45-3
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🔖 HB 444 Roger Somerville

*Reauthorize Natural Resource Damage Program*

An act appropriating money from the Coal Severance Tax Permanent Fund to the Department of Justice for technical, legal, and administrative activities for the State of Montana natural resource damage assessment and litigation in the Clark Fork River Basin; requiring repayment of the expended amounts from any recovery in the litigation; requiring a three-fourths vote; and providing effective dates.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:

House 70-29; Senate 47-0

Third Reading Votes:

House 85-13; Senate 48-0

♣HB 462 John Witt

*Revise Petroleum Tank Compensation Eligibility*

An act allowing a petroleum storage tank owner or operator who would otherwise lose eligibility for reimbursement from the Petroleum Tank Release Cleanup Fund by failing to remain in compliance with operational and cleanup requirements to potentially receive some reimbursement when noncompliance issues are corrected; and providing effective dates.

Amending sections 75-11-308 and 75-11-318, MCA.

Committee Hearings:

House Natural Resources

Senate Natural Resources

Second Reading Votes:

House 98-2; Senate 48-0

Third Reading Votes:

House 99-1; Senate 45-1

♣HJ 29 Eileen Carney

*Ambient Air Quality Standards for Asbestos*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that the Department of Environmental Quality establish a task force to develop an assay method for the measurement of asbestos to assist in the establishment of an ambient air standard based on human health risks from chronic exposure to asbestos.

Committee Hearings:

House Judiciary

Senate Natural Resources

Second Reading Votes:

House 98-1; Senate 37-1

Third Reading Votes:

House 94-6; Senate 47-1



♣SB 92 Mike Halligan

*Extend Recycling Tax Credit - Revise Credit*

An act repealing the termination date for the income and corporate tax credit for recycling of material; removing soil contaminated by hazardous wastes from the definition of "reclaimable material"; deleting the restriction on depreciable property that treats soil contaminated by hazardous wastes; repealing the restriction that a credit may not be claimed for an investment in property used to produce energy from reclaimed material; and providing an applicability date.

Amending sections 15-32-601, 15-32-602 and 15-32-603, MCA; repealing section 15-32-604, MCA, section 9, chapter 712, Laws of 1991, sections 4 and 5, chapter 542, Laws of 1995, and section 1, chapter 411, Laws of 1997.

Committee Hearings:	Senate Natural Resources House Taxation
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Second Reading Votes:	Senate 40-7; House 88-11
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Third Reading Votes:	Senate 41-6; House 89-10
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House amended, Senate concurred, 46-1.

♣SB 211 Debbie Shea

*Eliminate Commerce Department's Duties on Asbestos Regulation*

An act eliminating duties of the Department of Commerce related to asbestos regulation in building construction and demolition; and providing an immediate effective date.

Repealing sections 50-64-101, 50-64-102, 50-64-103, 50-64-104, 50-64-105, 50-64-106, and 50-64-107, MCA.

Committee Hearings:	Senate Business and Labor House Business and Labor
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Second Reading Votes:	Senate 50-0; House 96-2
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Third Reading Votes:	Senate 50-0; House 99-1
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🐾 SB 282 Bill Crismore

*Create Special Court to Handle Asbestos Cases*

An act creating the asbestos claims court; providing for the appointment of the asbestos claims judge; providing for the procedures to be used for trying an asbestos-related claim; and providing an immediate effective date.

Amending sections 3-5-113, 3-5-115, 3-15-104, 3-15-204, and 3-15-205, MCA.

Committee Hearings:	Senate Judiciary House Judiciary
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Second Reading Votes:	Senate 49-0; House 99-0
Third Reading Votes:	Senate 47-0; House 100-0

House amended, Senate concurred, 47-0.

Governor amended: Senate concurred, 47-0; House concurred, 100-0.

🐾 SB 378 Bill Tash

*Revise CECRA to Authorize Collection of Interest on Past-Due Remedial Action*

An act amending the Comprehensive Environmental Cleanup and Responsibility Act to specifically authorize the Department of Environmental Quality to collect interest on past-due remedial action costs and to deposit those funds into the Environmental Quality Protection Fund; and providing an immediate effective date and an applicability date.

Amending sections 75-10-704 and 75-10-722, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 50-0; House 98-1
Third Reading Votes:	Senate 49-1; House 98-2

House amended, Senate concurred, 49-0.

*Establish Environmental Remediation and Response Account*

An act eliminating the Hard-Rock Mining and Reclamation Account and the Opencut Mining and Reclamation Account in the State Special Revenue Fund; establishing an Environmental Rehabilitation and response account in the State Special Revenue Fund; dedicating certain fines and penalties to the account; dedicating certain unclaimed or excess reclamation bond funds to the account; providing that funds in the account be appropriated to the Department of Environmental Quality for certain purposes; and providing an effective date.

Amending sections 75-10-1223, 82-4-241, 82-4-311, 82-4-424, and 82-4-426, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 50-0; House 98-2
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Third Reading Votes:	Senate 50-0; House 95-5
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House amended, Senate concurred, 49-0.

Failed

*Revise Remedial Action Upon Release of Hazardous Substance Laws*

An act revising the remedial action upon release of hazardous substance laws; authorizing the submittal of claims for private response costs to the Department of Environmental Quality; authorizing the department to recover private response costs from liable parties and to reimburse the private claimants; providing a liability for private response costs; authorizing the department to issue orders to liable parties for the reimbursement of private response costs; establishing claim certification procedures; providing for a private right of action to recover costs from liable persons; and providing an immediate effective date.

Amending sections 75-10-701, 75-10-704, 75-10-711, 75-10-715, 75-10-718, 75-10-719, 75-10-720, 75-10-722, and 75-10-724, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 56-43

Third Reading Votes:

House 57-43

Tabled in Senate committee.

☛ HB 269 Eileen Carney

*Full Time Employee for Asbestos Community Liaison*

An act appropriating funds to the Department of Public Health and Human Services for one half-time employee to be located in Libby, Montana, to assist residents in locating and accessing services to address asbestos-related issues; and providing an effective date.

Committee Hearings:

House Human Services

Tabled in House committee.

☛ HB 460 Art Peterson

*Provide Voluntary Action Level for Radon Gas in Buildings*

An act providing a voluntary action level for radon gas in buildings at 8 picocuries per liter.

Amending sections 75-3-604 and 75-3-606, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee.

☛ HB 562 Gary Forrester

*Transfer General Fund to TSE Account for Lockwood Water and Sewer*

An act transferring \$5 million from the state general fund to the Treasure State Endowment state special revenue account; appropriating the transferred funds to

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the Department of Commerce for a grant to the Lockwood Water and Sewer District in Yellowstone County; and providing an effective date.

Committee Hearing: House Appropriations

Tabled in House committee.

☛HB 571 Kathleen Galvin Halcro

*Restrict Location of Pesticide Weed Control Facilities*

An act requiring the Department of Agriculture to adopt rules establishing standards for certain facilities used for pesticide storage, mixing, or loading, and for bulk pesticide facilities; and providing an immediate effective date.

Amending sections 80-8-105, 80-8-120, 80-8-201, and 80-15-217, MCA.

Committee Hearing: House Agriculture

Second Reading Vote: House 38-62

☛HJ 36 Sylvia Bookout-Reinicke

*Study Transport of Nuclear Waste Through State*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting a study to explore general safety measures, railroad track inspection, and railroad track specifications associated with possible future railroad transport of high-level radioactive waste or spent nuclear fuel through Montana.

Committee Hearings: House Transportation  
Senate Highways and Transportation

Second Reading Vote: House 96-4

Third Reading Vote: House 95-4

Tabled in Senate committee.

## **- Hazardous Waste -**

None

## **- Solid Waste -**

Passed

♣ HB 334 Ralph Lenhart

*Revise Law on Type of Project Eligible for Water Pollution Control Funds*

An act revising the type of projects that are eligible for funding under the Water Pollution Control State Revolving Fund Act; including solid waste management systems as projects; and providing an immediate effective date.

Amending section 75-5-1102, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 81-19; Senate 48-0

Third Reading Votes:

House 85-14; Senate 48-0

Senate amended, House concurred, 95-5.

♣ HB 498 Gary Branae

*Revise Laws Governing Solid Waste Management District Charges*

An act providing that solid waste management district service charges may be based on a combination of waste management factors; eliminating vehicle size as a factor on which service charges may be based; and providing an immediate effective date.

Amending section 7-13-232, MCA.

Committee Hearings:

House Agriculture  
Senate Local Government

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Second Reading Votes:

House 97-1; Senate 45-1

Third Reading Votes:

House 100-0; Senate 48-1

Senate amended, House concurred, 99-0.

HB 499 Tom Facey

*Encourage Use of Recycled, Postconsumer Glass - Credit Against Fees*

An act allowing a credit against certain permitting fees for certain uses of postconsumer glass; establishing eligibility criteria for use of the credit; requiring the Department of Environmental Quality to adopt rules to implement the credit; precluding the Department of Environmental Quality and the Board of Environmental Review from increasing fee assessments beyond legislative appropriation levels to offset the cost of the credit; and providing an immediate effective date and a termination date.

Amending section 75-2-220, MCA.

Committee Hearings:

House Business and Labor

Senate Business and Labor

Second Reading Votes:

House 92-8; Senate 46-0

Third Reading Votes:

House 94-4; Senate 48-1

Senate amended, House concurred, 94-6.

SB 92 Mike Halligan

*Extend Recycling Tax Credit - Revise Credit*

An act repealing the termination date for the income and corporate tax credit for recycling of material; removing soil contaminated by hazardous wastes from the definition of "reclaimable material"; deleting the restriction on depreciable property that treats soil contaminated by hazardous wastes; repealing the restriction that a credit may not be claimed for an investment in property used to produce energy from reclaimed material; and providing an applicability date.

Amending sections 15-32-601, 15-32-602 and 15-32-603, MCA; repealing section 15-32-604, MCA, section 9, chapter 712, Laws of 1991, sections 4 and 5, chapter 542, Laws of 1995, and section 1, chapter 411, Laws of 1997.



Committee Hearings:

Senate Natural Resources  
House Taxation

Second Reading Votes:

Senate 40-7; House 88-11

Third Reading Votes:

Senate 41-6; House 89-10

House amended, Senate concurred, 46-1.

♣ SB 161 Don Hargrove

*Revise Solid Waste Fees*

An act revising and clarifying the authority of the Department of Environmental Quality and the Board of Environmental Review to establish and assess fees related to solid waste; authorizing the department to assess penalties for late or nonpayment of all solid waste management fees; repealing the quarterly solid waste management fee of \$5 per ton on the in-state disposal or incineration of out-of-state waste; repealing the moratorium on certain interstate transport of solid waste; and providing an immediate effective date.

Amending sections 7-13-231, 75-10-104, 75-10-105, 75-10-106, 75-10-115, 75-10-116, 75-10-117, 75-10-204, 75-10-206, and 75-10-221, MCA; repealing sections 75-10-118 and 75-10-209, MCA.

Committee Hearings:

Senate Local Government  
House Local Government

Second Reading Votes:

Senate 34-14; House 66-34

Third Reading Votes:

Senate 31-18; House 67-33

♣ SB 168 Emily Stonington

*Increase Junk Vehicle Fees*

An act to increase the junk vehicle disposal fees on passenger cars and trucks under 8001 pounds; increasing the annual license fee for motor vehicle wrecking facilities; providing supplemental revenue to the state motor vehicle recycling and disposal program to offset revenue losses; and providing an effective date.

Amending sections 61-3-508 and 75-10-511, MCA.

Committee Hearings:

Senate Local Government  
House Local Government

Second Reading Votes:

Senate 25-22; House 55-45

Third Reading Votes:

Senate 33-15; House 53-47

House amended, Senate concurred, 42-7.

Governor amended: Senate concurred 42-5, House concurred 53-47.

Failed

☛ HB 159 Steve Vick

*Revise Water Pollution Revolving Fund Laws*

An act revising the Water Pollution Control State Revolving Fund Act to permit the financing of composting facilities; and providing an immediate effective date.

Amending section 75-5-1102, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Vote:

House 100-0

Third Reading Vote:

House 100-0

Senate second reading indefinitely postponed.

☛ HB 446 Doug Mood

*Referendum on Newspaper Recycling*

An act creating the Montana Newsprint Recycling Act; requiring that Montana newspaper publishers establish newsprint recycling services for their subscribers and others; providing definitions; establishing mandatory newsprint target recycling rates; authorizing civil penalties; providing for a school library account; authorizing the Department of Environmental Quality to adopt rules; providing that the proposed act be submitted to the qualified electors of Montana; and providing an effective date.

Committee Hearing:

House Natural Resources

Missed deadline for general bill transmittal.

☛ HB 507 Allan Rome

*Revise Junkyard Display of Vehicles Along Roadway*

An act prohibiting the public display of more than five vehicles that are not able to be safely or legally operated or not able to be repaired within 1 week.

Amending section 75-10-505, MCA.

Committee Hearing:

House Business and Labor

Tabled in House committee.

☛ HB 524 Jim Keane

*Increase Fee to Fund Removal of Abandoned Vehicles*

An act increasing the special junk vehicle disposal fee from 50 cents to 65 cents; providing that 15 cents of the special junk vehicle disposal fee be used for the exclusive purpose of reimbursing the hired removal of abandoned vehicles; providing an appropriation; and providing an effective date.

Amending sections 61-3-508 and 75-10-532, MCA.

Committee Hearings:

House Transportation

Senate Highways and Transportation

Second Reading Votes:

House 57-42; Senate 37-12

Third Reading Votes:

House 54-46; Senate 36-12

Vetoed by Governor.

☞ SB 215 Dale Berry

*Full Cost Accounting for County and District Solid Waste Programs*

An act requiring counties that provide solid waste management services and solid waste management districts to set rates for solid waste services by using a full cost accounting method; providing for compliance audits; and providing a delayed effective date and an applicability date.

Amending section 7-13-232, MCA.

Committee Hearing: Senate Local Government

Second Reading Vote: Senate 18-30

Second reading indefinitely postponed.

Missed deadline for general bill transmittal.

☞ SB 216 Dale Berry

*Full Cost Accounting for Municipal Solid Waste Programs*

An act requiring incorporated or unincorporated cities and towns to set solid waste program rates by using a full cost accounting method; providing for compliance audits; and providing a delayed effective date and an applicability date.

Committee Hearing: Senate Local Government

Second Reading Vote: Senate 17-29

Second reading indefinitely postponed.

Missed deadline for general bill transmittal.

☞ SB 278 Dale Berry

*Remove City's Authority to Ban Competition from Private Garbage Providers*

An act eliminating the authority of cities and towns to ban competition from private garbage and solid waste disposal services providers; providing that cities or towns that are the exclusive providers of garbage and solid waste disposal services may not require that they be the exclusive providers after July 1, 2004; and providing an immediate effective date.

Amending sections 7-2-4205, 7-2-4305, 7-2-4506, 7-2-4610, 7-2-4736, and 7-13-4107, MCA.

Committee Hearing: Senate Local Government

Second Reading Vote: Senate 20-28

Second reading indefinitely postponed.  
Missed deadline for general bill transmittal.

# Taxation of Minerals and Allocation of Mineral Revenues

## - Mineral Tax Rates -

None

## - Allocation of Mineral Tax Revenues -

Passed

HB 40 John Witt

*Retain Coal Tax for Treasure State Endowment Regional Water System Funding*

An act retaining the Treasure State Endowment Regional Water System Fund within the coal severance tax trust fund for an additional 3 years; providing for the continued deposit of interest on the treasure state endowment regional water system fund into the treasure state endowment regional water system state special revenue account for an additional 3 years; and providing a delayed effective date.

Amending section 6, chapter 495, Laws of 1999.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 99-1; Senate 50-0
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Third Reading Votes:	House 97-0; Senate 50-0
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Senate amended, House concurred, 99-0.

HB 226 Keith Bales

*Allocate Portion of Federal Mineral Royalty Funds to Counties*

An act providing for the allocation of a portion of federal mineral royalty income to counties where the development of the federally owned minerals has occurred; providing for the allocation of a portion of federal mineral royalty income to a mineral impact account to be used for local governments; providing a statutory appropriation for the payment of allocations of federal mineral royalty income to

counties; and providing effective dates and an applicability date.

Amending section 17-7-502, MCA.

Committee Hearings:	House Appropriations Senate Finance and Claims
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Second Reading Votes:	House 77-20; Senate 49-0
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Third Reading Votes:	House 86-14; Senate 45-5
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Senate amended, House did not concur, 78-21.

Conference committee report adopted: Senate 33-17, House 90-10.

♣ HB 444 Roger Somerville

*Reauthorize Natural Resource Damage Program*

An act appropriating money from the Coal Severance Tax Permanent Fund to the Department of Justice for technical, legal, and administrative activities for the State of Montana natural resource damage assessment and litigation in the Clark Fork River Basin; requiring repayment of the expended amounts from any recovery in the litigation; requiring a three-fourths vote; and providing effective dates.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 70-29; Senate 47-0
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Third Reading Votes:	House 85-13; Senate 48-0
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♣ HB 642 Bob Story

*Revise Distribution of Oil and Gas Production Taxes*

An act clarifying the distribution of oil and natural gas production taxes for the purposes of the Resource Indemnity and Ground Water Assessment Tax and for other purposes; and providing effective dates and a retroactive applicability date.

Amending sections 15-1-501, 15-36-324, and 82-11-135, MCA.



Committee Hearings:

House Taxation  
Senate Taxation

Second Reading Votes:

House 99-1; Senate 43-0

Third Reading Votes:

House 99-1; Senate 47-0

🏛️ SB 91 Bill Tash

*Finance Livestock Containment Facilities through Renewable Resource Program*

An act allowing the financing of water-related projects that improve water quality, including livestock containment facilities, from the Renewable Resource Grant and Loan Program; and providing an effective date.

Amending section 85-1-602, MCA.

Committee Hearings:

Senate Agriculture, Livestock and  
Irrigation  
House Natural Resources

Second Reading Votes:

Senate 46-0; House 99-0

Third Reading Votes:

Senate 44-0; House 99-0

🏛️ SB 495 Fred Thomas

*Revise State Land Laws to Increase Funding for Trust*

An act revising school funding through the use of the public school fund; revising the structure of the public school fund; authorizing the Board of Investments to purchase the mineral production rights held by the public school fund; providing that a portion of royalty payments on the purchased mineral production rights must be deposited in the guarantee account; loaning money from the coal severance tax permanent fund to the Department of Natural Resources and Conservation for the purchase of the mineral production rights; appropriating the loan proceeds; requiring repayment of the expended amounts from mineral royalty proceeds; deleting the prohibition on public fund investment in corporate stock contingent on the passage of the constitutional amendment allowing investment in corporate stock; and providing effective dates.

Amending sections 17-6-201, 77-2-303, and 77-2-304, MCA.

Committee Hearings:

Senate Taxation  
House Education

Second Reading Votes:

Senate 44-3; House 84-16

Third Reading Votes:

Senate 43-4; House 84-16

House amended, Senate concurred, 48-2.

Failed

☛ HB 16 Roger Somerville

*Increase Accommodations Tax for Heritage Tourism Projects*

An act authorizing the Board of Investments to make heritage tourism loans to entities as authorized by the Legislature; creating a Heritage Tourism Oversight Committee; increasing the accommodation tax by 1 percent and dedicating the new accommodation tax revenue to repay the authorized loans and to support heritage tourism; providing a refundable individual Montana income tax credit for the accommodation tax increase; providing that the proposed act be submitted to the qualified electors of Montana; and providing an effective date and an applicability date.

Amending sections 15-65-111 and 15-65-121, MCA.

Committee Hearings:

House Taxation  
House Appropriations

Tabled in House Appropriations.

Motion failed to take from committee and place on House second reading.

☛ HB 225 Trudi Schmidt

*Dedicate Coal Severance Tax Funds for Higher Education*

An act creating a Higher Education Trust Fund within the Coal Tax Trust Fund; allocating \$100 million to the Higher Education Trust Fund over a 6-year period; providing that 90 percent of the interest and earnings on the Higher Education Trust Fund be used to support the Montana High School Honor Scholarship Program and other student financial aid and the other 10 percent of the interest and

earnings be deposited in the Higher Education Trust Fund; providing a statutory appropriation; and providing a delayed effective date.

Amending sections 17-5-703, 17-6-308 and 17-7-502, MCA.

Committee Hearings: House Taxation

Second Reading Vote: House 46-54

☛HB 485 Monica Lindeen

*Revise Coal Board Funding*

An act allocating coal severance taxes to the Coal Board to be used for grants to eligible entities affected by declining coal production; providing an appropriation; and providing an effective date.

Amending sections 15-35-108, 90-6-206, and 90-6-207, MCA.

Committee Hearing: House Natural Resources  
House Appropriations

Tabled in House Appropriations.

☛HB 631 Kim Gillan

*Establish Coal Tax Trust to Fund Education*

An act creating an Education Trust Fund within the Coal Tax Trust Fund; allocating \$100 million to the Education Trust Fund; providing that 90 percent of the interest and earnings of the Education Trust Fund be used to fund the basic and per-an entitlements and the other 10 percent of the interest and earnings be deposited in the Education Trust Fund; using the coal funds to increase the total per-an and basic entitlements for public schools for school fiscal years beginning on or after July 1, 2001; increasing the basic entitlement for an elementary school district or a K-12 district elementary program to \$18,818 for school fiscal year 2002 and to \$19,383 for succeeding school fiscal years; increasing the basic entitlement for a high school district to \$209,090 for school fiscal year 2002 and to \$215,363 for succeeding school fiscal years; increasing the total per-an entitlement for an elementary school district or a K-12 district elementary program to \$3,819 for school fiscal year 2002 and to \$3,934 for succeeding school fiscal

years; increasing the total per-an for a high school district or a K-12 district high school program to \$5,090 for school fiscal year 2002 and to \$5,243 for succeeding school fiscal years; and providing effective dates, applicability dates, and a termination date.

Amending sections 17-5-703, 17-6-308, and 20-9-306, MCA.

Committee Hearing: House Taxation

Tabled in House committee.

SB 244 Mike Halligan

*Revise Treasure State Endowment Program to Include Affordable Housing Criteria*

An act including in the list of priorities for Treasure State Endowment funding any projects that are sponsored by local government entities for the construction of infrastructure for housing for low-income or moderate-income families.

Amending section 90-6-710, MCA.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 50-0  
Third Reading Votes: Senate 48-2

Tabled in House committee.  
Motion failed to take from committee and place on House second reading.

# Water

## - Appropriation and Adjudication -

Passed

🏠 HB 33 Cindy Younkin

### *Short-Term Water Right Lease for Road Work or Dust Abatement*

An act authorizing a short-term lease of a water right for road construction or dust abatement without approval by the Department of Natural Resources and Conservation; and providing an immediate effective date.

Amending sections 85-2-122, 85-2-402, 85-2-407, and 85-2-419, MCA.

Committee Hearings:	House Transportation Senate Agriculture, Livestock and Irrigation
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Second Reading Votes:	House 96-3; Senate 49-0
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Third Reading Votes:	House 98-2; Senate 46-1
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Senate amended, House concurred, 100-0.

🏠 HB 397 Verdell Jackson

### *Clark Fork Basin Water Use Plan*

An act establishing the Clark Fork River Basin Task Force; requiring the task force to develop a water management plan for the basin; requiring the task force to submit interim reports to the Governor and the Legislature; requiring the Department of Natural Resources and Conservation to provide a written notice when the department issues water use permits in the Clark Fork River Basin; specifying the contents of the written notice; and providing an immediate effective date and a termination date.

Committee Hearing:	House Agriculture
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Second Reading Vote:	House 63-34
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Rereferred to House Appropriations

Senate Agriculture, Livestock and  
Irrigation

Second Reading Votes:

House 92-8; Senate 49-0

Third Reading Votes:

House 90-9; Senate 48-0

Senate amended, House concurred, 92-8.

HB 455 Dave Lewis

*Revise Term of Temporary Change of Water Right for Instream Flow*

An act authorizing a temporary change of appropriation right for instream flow for up to 30 years under certain conditions; and providing an effective date and a termination date.

Amending section 85-2-407, MCA.

Committee Hearings:

House Natural Resources  
Senate Agriculture, Livestock and  
Irrigation

Second Reading Votes:

House 98-0; Senate 48-0

Third Reading Votes:

House 100-0; Senate 49-0

Senate amended, House concurred, 100-0.

HB 570 Jim Shockley

*Clarify Authority to Bring Action Under Water Use Act*

An act revising water laws; authorizing a county attorney to bring an independent action for the enforcement of water use laws; changing the allowable time for attempting to obtain voluntary compliance; providing for the deposit of penalties collected pursuant to an independent action; and providing an immediate effective date.

Amending sections 85-2-114, 85-2-122, and 85-2-123, MCA.

Committee Hearings:

House Judiciary

Senate Judiciary

Second Reading Votes:

House 98-1; Senate 47-0

Third Reading Votes:

House 99-1; Senate 48-0

Senate amended, House concurred, 98-2.

🔑 HB 626 Matt McCann

*State-Fort Belknap Water Compact*

An act ratifying the compact entered into by the State of Montana and the Fort Belknap Indian community of the Fort Belknap Reservation; establishing a mitigation trust account; establishing the Milk River watershed improvement trusts fund accounts; providing a structure for the issuance of grants and loans; establishing the Peoples Creek Minimum Flow Account; providing for the facilitation of the development of an economic development plan; and appropriating funds to the Department of Natural Resources and Conservation.

Committee Hearings:

House Natural Resources

Senate Natural Resources

Second Reading Votes:

House 93-6; Senate 41-7

Third Reading Votes:

House 94-6; Senate 42-6

🔑 SB 42 Bea McCarthy

*Revise Red Rock Lakes Water Compact*

An act clarifying the consumptive use data in the United States Fish and Wildlife Service, Red Rock Lakes-Montana Compact; and providing an immediate effective date.

Amending section 85-20-801, MCA.

Committee Hearings:

Senate Agriculture, Livestock and  
Irrigation

House Natural Resources



Second Reading Votes:

Senate 50-0; House 100-0

Third Reading Votes:

Senate 50-0; House 98-0

Failed

☛ SB 160 Lorents Grosfield

*Clarify Need for Water Right*

An act clarifying that water use that is not a beneficial use does not require an appropriation permit; amending the definitions of "appropriate", "beneficial use", and "waste"; defining "protectable interest"; and providing an immediate effective date.

Amending sections 85-2-102 and 85-2-302, MCA.

Committee Hearing:

Senate Agriculture, Livestock and  
Irrigation

Tabled in Senate committee.

## **- Development and Irrigation -**

Passed

☛ HB 40 John Witt

*Retain Coal Tax for Treasure State Endowment Regional Water System Funding*

An act retaining the Treasure State Endowment Regional Water System Fund within the coal severance tax trust fund for an additional 3 years; providing for the continued deposit of interest on the treasure state endowment regional water system fund into the treasure state endowment regional water system state special revenue account for an additional 3 years; and providing a delayed effective date.

Amending section 6, chapter 495, Laws of 1999.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

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Second Reading Votes:

House 99-1; Senate 50-0

Third Reading Votes:

House 97-0; Senate 50-0

Senate amended, House concurred, 99-0.

🔗HB 46 Rick Dale

*Exempt Certain Water Project Contracts from Procurement Procedures*

An act increasing the limit for construction contracts without formal competitive bids for state-owned water projects to \$50,000; exempting the Department of Natural Resources and Conservation from specific solicitation and selection procedures for contracts up to \$15,000 for goods, nonconstruction services, or professional services related to state-owned water projects; and providing an immediate effective date.

Amending section 85-1-219, MCA.

Committee Hearings:

House Natural Resources

Senate Natural Resources

Second Reading Votes:

House 99-1; Senate 39-0

Third Reading Votes:

House 99-1; Senate 49-0

Senate amended, House concurred, 99-1.

🔗HB 114 Bob Story

*Revise Water Use Laws - Define Developed Spring*

An act generally revising the Montana water use laws; defining "developed spring"; eliminating the requirement to make water right application forms, notices of completion forms, and well log forms available at the offices of county clerk and recorders; clarifying that notification of intent to appropriate ground water from ground water development works does not create an easement; and providing an immediate effective date.

Amending sections 85-2-102, 85-2-302, 85-2-306, and 85-2-516, MCA.

Committee Hearings:

House Natural Resources  
Senate Agriculture, Livestock and  
Irrigation

Second Reading Votes:

House 99-1; Senate 50-0

Third Reading Votes:

House 99-0; Senate 49-0

✦ HB 129 Keith Bales

*Exempt Replacement Water Wells from Change Authorization*

An act exempting certain replacement wells from certain procedures and criteria applicable to changes in water rights; and providing an immediate effective date.

Amending section 85-2-402, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 99-0; Senate 48-0

Third Reading Votes:

House 98-0; Senate 47-0

Senate amended, House concurred, 99-0.

Failed

✦ HB 347 Linda Holden

*Appropriate Funds for Conrad Water System*

An act appropriating funds to the Department of Natural Resources and Conservation for a grant to the city of Conrad for water system and pump station improvements; and providing an effective date.

Committee Hearing:

House Appropriations

Tabled in House committee.

☛ SB 345 John Cobb

*Voluntary Sharing of Irrigation Water Rights*

An act confirming the ability to voluntarily share irrigation water rights and allowing voluntary pooling of irrigation water rights; and providing an immediate effective date and a termination date.

Amending sections 85-2-404 and 85-2-407, MCA.

Committee Hearing:	Senate Agriculture, Livestock and Irrigation
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Tabled in Senate committee.

**- National and Interstate -**

☛ HJ 14 Aubyn Curtiss

*Urge State Role in Managing the Columbia River Basin*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging a state role in managing the Columbia River Basin; and calling for a public forum to develop a consensus-based approach to management.

Committee Hearings:	House Federal Relations, Energy, and Telecommunications Senate Energy and Telecommunications
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Second Reading Votes:	House 100-0; Senate 36-0
Third Reading Votes:	House 100-0; Senate 49-0

**- Stream Access -**

None

## **- Water Quality -**

Passed

⚡ HB 45 John Witt

### *Advance Funds from Water Revolving Funds*

An act revising the Water Pollution Control State Revolving Fund Act and Drinking Water State Revolving Fund Act to authorize the Department of Natural Resources and Conservation to advance funds to projects funded, in part, by the federal government when federal funding has been approved but not appropriated; and providing an immediate effective date.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 95-4; Senate 50-0
Third Reading Votes:	House 97-2; Senate 50-0

⚡ HB 111 Bob Lawson

### *Remove Cap on Local Lakeshore Protection Fees*

An act removing the limits on local lakeshore protection fees; and providing an effective date.

Amending section 75-7-210, MCA.

Committee Hearings:	House Local Government Senate Local Government
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Second Reading Votes:	House 81-19; Senate 45-3
Third Reading Votes:	House 86-12; Senate 38-10

Senate amended, House concurred, 89-11.

HB 125 Cindy Younkin

*Revise Information for Temporary Water Quality Standards*

An act clarifying that the goal of temporary water quality standards is to improve water quality to the point at which all the beneficial uses designated for that water body or segment are supported to the extent considered achievable; requiring that a support document and preliminary implementation plan be submitted to the Department of Environmental Quality prior to requesting temporary water quality standards; revising the information required in the support document and implementation plan; requiring the submission of annual work plans that must be approved by the director of the department; requiring the Board of Environmental Review to review the implementation plan at least every 3 years at a public hearing; and authorizing the department to modify implementation plans.

Amending section 75-5-312, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 98-2; Senate 39-0

Third Reading Votes:

House 100-0; Senate 49-0

Senate amended, House concurred, 98-2.

HB 126 Cindy Younkin

*Revise Hearing Process for Certain Environmental Laws*

An act generally revising the procedural provisions of the water treatment plant operators certification laws, the Comprehensive Environmental Cleanup and Responsibility Act, the sanitation in subdivisions laws, the Strip and Underground Mine Siting Act, the coal and uranium mine reclamation laws, the metal mine reclamation laws, and the Opencut Mining Act; providing for hearings before the Board of Environmental Review rather than the Department of Environmental Quality; clarifying permit denial hearing requirements under the metal mine reclamation laws; revising the time within which a hearing must be held under the Opencut Mining Act; transferring the responsibility for holding a hearing under the Opencut Mine Act from the department to the board; and providing an immediate effective date.

Amending sections 37-42-102, 37-42-321, 75-10-714, 76-4-108, 76-4-126, 82-4-112, 82-4-130, 82-4-205, 82-4-206, 82-4-254, 82-4-338, 82-4-353, 82-4-361, 82-4-362, 82-4-422, 82-4-427, and 82-4-441, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 98-2; Senate 50-0
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Third Reading Votes:	House 98-0; Senate 48-1
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◆ HB 166 Michelle Lee

*Allow Conveyance of Wetland Mitigation Site with Perpetual Conservation Covenant*

An act allowing certain land to be conveyed by the Department of Transportation with a perpetual conservation easement; restricting who may own the conservation easement; and providing special restrictions for wetland mitigation sites.

Amending section 60-4-207, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 90-10; Senate 48-2
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Third Reading Votes:	House 90-8; Senate 44-2
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Senate amended, House concurred, 75-25.

◆ HB 190 John Witt

*Revise Matching Fund Requirement for Treasure State Regional Water System*

An act allowing up to 25 percent of the local matching funds required for the Treasure State Endowment Regional Water System to be in the form of debt that was incurred by local government entities included in the regional water system to construct individual drinking water systems before the individual systems were connected to the regional system; limiting the amount of an individual entity's debt that may be used for matching funds; and providing an immediate effective date.

Amending section 90-6-715, MCA.



Committee Hearings:	House Local Government Senate Local Government
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Second Reading Votes:	House 100-0; Senate 37-0
Third Reading Votes:	House 100-0; Senate 48-0

☛ HB 218 Tom Facey

*Regulate Potable Water Haulers and Sellers*

An act regulating and licensing water haulers as food establishments; defining "water hauler"; requiring water haulers to obtain water from public water supply systems or approved sources; and providing an immediate effective date.

Amending section 50-50-102, MCA.

Committee Hearings:	House Business and Labor Senate Business and Labor
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Second Reading Votes:	House 87-12; Senate 50-0
Third Reading Votes:	House 87-8; Senate 48-2

Senate amended, House concurred, 82-18.

☛ HB 332 Rick Dale

*Revise Underground Storage Tank Inspection Laws*

An act revising the inspection provisions of the Montana Underground Storage Tank Act; and providing an immediate effective date.

Amending section 75-11-509, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 100-0; Senate 47-0
Third Reading Votes:	House 97-0; Senate 45-3

◆ HB 334 Ralph Lenhart

*Revise Law on Type of Project Eligible for Water Pollution Control Funds*

An act revising the type of projects that are eligible for funding under the Water Pollution Control State Revolving Fund Act; including solid waste management systems as projects; and providing an immediate effective date.

Amending section 75-5-1102, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 81-19; Senate 48-0
Third Reading Votes:	House 85-14; Senate 48-0

Senate amended, House concurred, 95-5.

◆ HB 462 John Witt

*Revise Petroleum Tank Compensation Eligibility*

An act allowing a petroleum storage tank owner or operator who would otherwise lose eligibility for reimbursement from the Petroleum Tank Release Cleanup Fund by failing to remain in compliance with operational and cleanup requirements to potentially receive some reimbursement when noncompliance issues are corrected; and providing effective dates.

Amending sections 75-11-308 and 75-11-318, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 98-2; Senate 48-0
Third Reading Votes:	House 99-1; Senate 45-1

◆ SB 91 Bill Tash

*Finance Livestock Containment Facilities through Renewable Resource Loans*

An act allowing the financing of water-related projects that improve water quality,

including livestock containment facilities, from the Renewable Resource Grant and Loan Program; and providing an effective date.

Amending section 85-1-602, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Natural Resources
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Second Reading Votes:	Senate 46-0; House 99-0
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Third Reading Votes:	Senate 44-0; House 99-0
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⌚ SB 143 Pete Ekegren

*Increase Pesticide and Ground Water Fees*

An act increasing the annual pesticide registration fee to \$90; providing for an annual fee for an emergency exemption registration; increasing the fee for a special local need registration or for an experimental-use permit registration to \$90 and changing the fee to an annual fee instead of a one-time fee; removing exemption of a registration fee if the experimental use permit is federally approved; and increasing the Special Agricultural Chemical Ground Water Protection Fee to \$95.

Amending Sections 80-8-201 and 80-15-302, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture
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Second Reading Votes:	Senate 50-0; House 63-37
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Third Reading Votes:	Senate 50-0; House 65-35
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⌚ SB 146 Bob Keenan

*Revise Water and Wastewater Operator Certification*

An act clarifying requirements for water and wastewater operator certification; and providing an immediate effective date.

Amending section 37-42-102, MCA; and repealing section 37-42-103, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 47-0; House 100-0

Third Reading Votes:

Senate 47-0; House 100-0

⚔ SB 147 Bob Keenan

*Revise Public Sewage and Water Supply System Laws*

An act generally revising the public water supplies, distribution, and treatment laws; clarifying the definitions of "person", "public sewage system", and "public water supply system"; prohibiting the continued construction or operation of public water supply systems or public sewage systems prior to department approval; limiting ownership of public water supply systems and public sewage systems to individuals, governmental entities, and certain types of business entities; requiring an owner of a public water supply system or a public sewage system to submit information to the department on ownership status; and providing an immediate effective date.

Amending sections 75-6-102 and 75-6-112, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 47-0; House 100-0

Third Reading Votes:

Senate 47-0; House 100-0

⚔ SB 167 Emily Stonington

*Revise Sanitation in Subdivision Laws*

An act generally revising the sanitation in subdivisions laws; authorizing the reviewing authority to require easements and covenants; requiring purchasers to be notified of conditions of subdivision approval; requiring as-built inspections of sewage systems; authorizing the reviewing authority to require easements and covenants; defining "adequate municipal facilities"; conforming definitions to those in other acts; requiring the department to adopt rules regarding criteria for granting waivers and deviations and for easements, covenants, agreements, and management entities; allowing for review of certain major and minor subdivisions by local departments and boards of health; requiring the applicant to submit

evidence that water supply systems are in compliance with state and local laws and regulations; eliminating the mandatory soil percolation testing requirement; allowing fees to be used for inspection and enforcement activities; clarifying certification requirements for subdivisions exempt from review because adequate municipal facilities and storm water drainage will be provided; requiring a developer to give notice to a local board of health before filing an application for certification of subdivision approval; repealing certain provisions related to delegation of review to local government; repealing redundant provisions; clarifying provisions governing subdivision activities and review and approval of subdivisions; and providing an immediate effective date and applicability dates.

Amending sections 76-4-102, 76-4-104, 76-4-105, 76-4-111, 76-4-121, 76-4-122, 76-4-125, 76-4-127, 76-4-130, 76-4-131, and 76-4-132, MCA; repealing sections 76-4-123, 76-4-124, and 76-4-128, MCA.

Committee Hearings:	Senate Local Government House Natural Resources
Second Reading Votes:	Senate 50-0; House 100-0
Third Reading Votes:	Senate 49-1; House 100-0

House amended, Senate concurred, 47-1.

♣SB 379 Bill Tash

*Modify Storm Water Discharge Permit Laws*

An act requiring the Board of Environmental Review to adopt rules governing authorization to discharge under a general permit for storm water discharge associated with construction activity; requiring that the rules authorize discharge under the general permit upon receipt of a notice of intent and pollution prevention plan; and providing an immediate effective date.

Amending section 75-5-401, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 50-0; House 77-21
Third Reading Votes:	Senate 49-1; House 75-24

Failed

☛ HB 159 Steve Vick

*Revise Water Pollution Revolving Fund Laws*

An act revising the Water Pollution Control State Revolving Fund Act to permit the financing of composting facilities; and providing an immediate effective date.

Amending section 75-5-1102, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Vote:	House 100-0
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Third Reading Vote:	House 100-0
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Senate second reading indefinitely postponed, 46-1.

☛ HB 310 Norma Bixby

*Require Water Quality Permit Exemption for Coal Bed Methane Discharge to Surface Water*

An act requiring a permit for discharge of ground water from a coal bed methane well to surface water.

Amending section 75-5-401, MCA.

Committee Hearing:	House Natural Resources
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Tabled in House committee.

☛ HB 335 Gail Gutsche

*Public Notice for Proposed Animal Feeding Operations*

An act requiring the Department of Environmental Quality to notify the public of any proposed concentrated animal feeding operation; and providing an immediate effective date.

Committee Hearing:

House Agriculture

Tabled in House committee.

☞ HB 513 Dan Fuchs

*Revise Water Quality Laws for Nitrates for Single Family Systems*

An act eliminating nitrate testing requirements for single-family septic systems.

Amending sections 75-5-103, 75-5-301, and 75-5-316, MCA.

Committee Hearings:

House Natural Resources

Senate Natural Resources

Second Reading Votes:

House 60-40

Third Reading Votes:

House 60-39

Tabled in Senate committee.

☞ HB 562 Gary Forrester

*Transfer General Fund to TSE Account for Lockwood Water and Sewer*

An act transferring \$5 million from the state general fund to the Treasure State Endowment state special revenue account; appropriating the transferred funds to the Department of Commerce for a grant to the Lockwood Water and Sewer District in Yellowstone County; and providing an effective date.

Committee Hearing:

House Appropriations

Tabled in House committee.

☞ HB 585 Dan Fuchs

*Revise Review of Sanitation in Subdivisions*

An act generally revising the sanitation in subdivisions laws; conforming definitions to those in other acts; authorizing review of major and minor subdivisions by a certified local department or board of health; eliminating the



mandatory soil percolation testing requirement; requiring the Department of Environmental Quality to adopt rules regarding criteria for granting waivers and deviations; requiring the applicant to submit evidence that water supply systems are in compliance with state and local laws and regulations; authorizing the local reviewing authority to adopt fees; authorizing the use of fees collected by the reviewing authority for inspection and enforcement activities; providing that the reviewing authority may enforce the sanitation in subdivisions laws; repealing certain provisions related to delegation of review to local governments; repealing redundant provisions; and providing an immediate effective date.

Amending sections 50-2-116, 76-4-102, 76-4-104, 76-4-105, 76-4-108, 76-4-111, 76-4-125, 76-4-129, and 76-4-131, MCA; and repealing sections 76-4-128 and 76-4-132, MCA.

Committee Hearing:	House Judiciary Senate Natural Resources
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Second Reading Vote:	House 83-17
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Third Reading Vote:	House 82-18
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Tabled in Senate committee.

☛ SB 364 John Cobb

*Conservation District Exemption Under Streambed and Land Preservation Laws*

An act allowing Conservation Districts to make exemptions by rule to project review under the streambed and land preservation laws.

Amending section 75-7-111, MCA.

Committee Hearing:	Senate Natural Resources
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Tabled in Senate committee.

# Weed and Pest Control

Passed

🐉 HJ 13 Merlin Wolery

## *Encourage Harmonization of U.S. and Canadian Pesticide Registrations*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the Environmental Protection Agency and the Congress of the United States to increase resources for and support the efforts of the North American Free Trade Agreement (NAFTA) technical working group on pesticides to harmonize pesticide regulations between Canada and the United States, to commit more resources for and support efforts toward establishing tolerances for pesticides registered for use in Canada but not in the United States, and to accept registration data currently accepted by Canadian officials in support of Canadian pesticide registrations.

Committee Hearings:

House Federal Relations, Energy, and  
Telecommunications  
Senate Energy and  
Telecommunications

Second Reading Votes:

House 88-11; Senate 44-0

Third Reading Votes:

House 89-10; Senate 49-0

Senate amended, House concurred, 86-14.

🐉 SB 143 Pete Ekegren

## *Increase Pesticide and Ground Water Fees*

An act increasing the annual pesticide registration fee to \$90; providing for an annual fee for an emergency exemption registration; increasing the fee for a special local need registration or for an experimental-use permit registration to \$90 and changing the fee to an annual fee instead of a one-time fee; removing exemption of a registration fee if the experimental use permit is federally approved; and increasing the Special Agricultural Chemical Ground Water Protection Fee to \$95.

Amending Sections 80-8-201 and 80-15-302, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture
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Second Reading Votes:	Senate 50-0; House 63-37
Third Reading Votes:	Senate 50-0; House 65-35

🐾 SB 199 Mike Taylor

*Use Inmate Labor for Noxious Weed Management and Other Projects*

An act authorizing the use of inmate labor through a county jail work program for management of noxious weeds and for other maintenance projects authorized by county commissioners; and allowing a District Weed Board to enter into agreements with a county sheriff for the use of inmate labor.

Amending sections 7-22-2109 and 7-32-2226, MCA.

Committee Hearings:	Senate Local Government House Local Government
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Second Reading Votes:	Senate 50-0; House 90-10
Third Reading Votes:	Senate 50-0; House 83-17

🐾 SB 326 Mike Taylor

*Revise Laws Governing Weeds*

An act generally revising laws governing weeds; requiring a weed management district to provide the department of agriculture with a comprehensive weed management plan before becoming eligible to receive state funding; transferring funds annually from the highway nonrestricted account and one time from the resource indemnity trust fund into the noxious weed state special revenue account; providing direction to the department of agriculture for the disbursement of funds to weed management districts; allowing a district weed board to enter into cost-share agreements for noxious weed management; revising the appeal procedure for a person adversely affected by any notice, action, or order of the district weed board; changing the violation penalty from a misdemeanor to a civil penalty; allowing a district weed board to enter into agreements with commercial applicators for the control and destruction of weeds; establishing statutory authority for county commissioners to impose a tax for weed control within a

special management zone if the tax is approved by the citizens of the management zone; requiring that municipalities complete their cooperative agreements with their respective district weed boards by January 1, 2002; requiring prior notification to the district weed board of an activity that may require revegetation of rights-of-way and areas that have the potential for noxious weed infestation; requiring a person owning property that is offered for sale to notify the owner's agent and the purchaser of the existence or potential existence of noxious weeds on the property; expanding the conditions that constitute a noxious weed emergency and increasing the amount of funds that can be allocated to address noxious weed emergencies; directing the department of fish, wildlife, and parks to spend a percentage of money in the hunter management program and the hunting access enhancement program on departmental weed control programs; and providing an effective date and a termination date.

Amending sections 7-22-2101, 7-22-2109, 7-22-2110, 7-22-2111, 7-22-2116, 7-22-2117, 7-22-2123, 7-22-2124, 7-22-2130, 7-22-2142, 7-22-2146, 7-22-2150, 7-22-2151, 7-22-2152, 7-22-2153, 80-5-120, 80-7-105, 80-7-133, 80-7-801, 80-7-815, 80-7-816, and 80-7-903, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Appropriations
Second Reading Votes:	Senate 48-0; House 93-7
Third Reading Votes:	Senate 50-0; House 92-7

House amended, Senate concurred, 45-5.

✎ SJ 4 Mike Taylor

*Urge Effective Federal Weed Control and Adequate Funding*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the federal government to continue to enter into agreements with local groups and agencies to promote the control of noxious weeds in a manner that addresses locally identified priorities and, to continue to provide funding for local weed control programs on an annual and continuing basis, and to provide assistance in helping local groups and agencies access federal weed control programs and procure available federal weed control funds.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation
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House Agriculture

Second Reading Votes:

Senate 41-1; House 98-1

Third Reading Votes:

Senate 47-1; House 98-2

House amended, Senate concurred, 47-0.

Failed

¶ HB 571 Kathleen Galvin Halcro

*Restrict Location of Pesticide Facility*

An act requiring the Department of Agriculture to adopt rules establishing standards for certain facilities used for pesticide storage, mixing, or loading, and for bulk pesticide facilities; and providing an immediate effective date.

Amending sections 80-8-105, 80-8-120, 80-8-201, and 80-15-217, MCA.

Committee Hearing:

House Agriculture

Second Reading Vote:

House 38-62

¶ SB 200 Mike Taylor

*Clarify Status of Weed Districts and Boards for Liability Purposes*

An act clarifying that weed management districts and District Weed Boards are political subdivisions for purposes of Title 2, chapter 9, parts 1 through 3, MCA; and retaining a gross negligence standard for liability for use of herbicides.

Amending section 7-22-2111, MCA.

Committee Hearings:

Senate Agriculture, Livestock and  
Irrigation

Tabled in Senate committee.

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